

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826
(916) 255-2200

Wednesday, July 16, 1997
9:30 a.m.

meeting of the

LOCAL ASSISTANCE AND PLANNING COMMITTEE

Wesley Chesbro, Chairman
Robert C. Frazee, Member
Janet Gotch, Member

AGENDA

- Note:
- o Agenda items may be taken out of order.
 - o If written comments are submitted, please provide 15 two-sided copies.
 - o Unless otherwise indicated, Committee meetings will be held in the CIWMB Hearing Room, 8800 Cal Center Drive, Sacramento, CA.
 - o Any information included with this agenda is disseminated as a public service only, and is intended to reduce the volume and costs of separate mailings. This information does not necessarily reflect the opinions, views, or policies of the CIWMB.
 - o To request special accommodations for those persons with disabilities, please contact the Committee Secretary at (916) 255-2172.

Important Notice: The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the Committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the Committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is considered.

Some of the items listed below may be removed from the agenda prior to the Committee meeting. To verify whether an item will be heard, please call Kathy Marsh, Committee Secretary, at (916) 255-2172.

1. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF LIVERMORE, ALAMEDA COUNTY

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Notice: The Board or the Committee may hold a closed session to discuss the appointment or employment of public employees and litigation under authority of Government Code Sections 11126 (a) and (q), respectively.

For further information or copies of agenda items, please contact:

INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826

Patti Bertram (916) 255-2563
FAX (916) 255-2602

NOTE: BOARD AND COMMITTEE AGENDAS ARE AVAILABLE ON THE INTERNET. THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S HOME PAGE IS AS FOLLOWS: [HTTP://WWW.CIWMB.CA.GOV/](http://www.ciwmb.ca.gov/)

California Integrated Waste Management Board

LOCAL ASSISTANCE AND PLANNING COMMITTEE

July 16, 1997

AGENDA ITEM 1

ITEM: Consideration of Staff Recommendation on the Adequacy of the Nondisposal Facility Element for the City of Livermore, Alameda County

STAFF COMMENTS:

The City of Livermore has identified seven (7) facilities which may be used to reach their mandated goals. All seven are located outside the jurisdiction; all seven of the facilities are transfer stations.

ANALYSIS:

NDFE

This Nondisposal Facility Element adequately addresses the requirements of Title 14 California Code of Regulations sections 18752 et. seq. for the following areas:

NDFE Adequacy	Yes	No	N/A
Facility descriptions - within a jurisdiction			X
Facility descriptions - outside a jurisdiction			X
Transfer Station descriptions - within a jurisdiction			X
Transfer Station descriptions - outside a jurisdiction	X		

Board staff recommend that the City of Livermore's Nondisposal Facility Element be approved as it has adequately addressed all requirements.

ATTACHMENTS:

1: Resolution # 97-274 Approval of the NDFE for the City of Livermore

Prepared by: Jenifer Kiger Phone: 255-2393

Reviewed by: Dianne Range *DR* Phone: 255-2400

Reviewed by: Lorraine Van Kekeris *LK* Phone: 255-2670

Reviewed by: Judith J. Friedman *JJF* Phone: 255-2376

Final Review: _____ *EB* Date/time: 6/22/97

ATTACHMENT NO. 1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 97-274

FOR CONSIDERATION OF APPROVAL OF THE NONDISPOSAL FACILITY ELEMENT
FOR THE CITY OF LIVERMORE, ALAMEDA COUNTY

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41730 et seq. requires that each city and county prepare and adopt a Nondisposal Facility Element (NDFE) which includes a description of existing and new solid waste facilities, and the expansion of existing solid waste facilities, which will be needed to implement a jurisdiction's Source Reduction and Recycling Element (SRRE), to enable it to meet the requirements of Section 41780; and

WHEREAS, the NDFE may include the identification of specific locations or general areas for new solid waste facilities that will be needed to implement the SRRE; and

WHEREAS, based on review of the NDFE, Board staff found that all of the foregoing requirements have been satisfied and the NDFE substantially complies with PRC Section 41730, et seq., and recommends approval; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Nondisposal Facility Element for the City of Livermore. Pursuant to Public Resources Code Section 41736, at the first revision of the SRRE, the NDFE should be incorporated with the SRRE to become one document which may be modified, as necessary, to accurately reflect the existing and planned nondisposal facilities which will be used by a jurisdiction.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 23, 1997.

Dated:

Ralph E. Chandler
Executive Director

LOCAL PLANNING DOCUMENTS:

IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY, BOARD AGENDA ITEMS 12 THROUGH 41 ARE NOT INCLUDED IN THIS PACKET.

TO OBTAIN COPIES OF THE ABOVE ITEMS, PLEASE REFER TO THE JULY 16, 1997 LOCAL ASSISTANCE AND PLANNING COMMITTEE (LAPC) PACKET ITEMS 2, 4 THROUGH 32, AND RENUMBER THOSE ITEMS TO BECOME BOARD AGENDA ITEMS 12 THROUGH 41.

IF YOU ARE NOT ON THE LAPC PACKET MAIL LIST, PLEASE CONTACT PATTI BERTRAM, (916) 255-2563, FAX (916) 255-2602, FOR COPIES OF THE LOCAL ASSISTANCE AND PLANNING COMMITTEE ITEMS.

California Integrated Waste Management Board

LOCAL ASSISTANCE AND PLANNING COMMITTEE

July 16, 1997

AGENDA ITEM 3

ITEM: Consideration of Staff Recommendation on the Adequacy of the Source Reduction and Recycling Element for the City of Union City, Alameda County

STAFF COMMENTS:

The City of Union City SRRE projects diversion for 1995 as 25.8 percent and 51.6 percent for the year 2000. Adjusting for the exclusion of sewage sludge from the base-year disposal amount and restricted wastes these percentages change to 14.2 percent for 1995 and 30.2 percent for the year 2000, significantly below the mandated goal of 25 percent and 50 percent. Staff notified the City in a letter dated April 23, 1997 of the restricted waste issues.

The City of Union City plans to continue its curbside collection of separated materials (single and multifamily residences). In addition, the City is planning to implement several source reduction, recycling, composting and special waste diversion programs to meet the mandated goals. Such programs include: backyard composting; recycled and reusable procurement guidelines; commercial white paper and glass container collection programs; and curbside collection of yard waste.

Education efforts focus on educating citizens through residential promotional campaigns, community newsletters, media promotions, and promotion at community events.

Staff recommend disapproval for the City of Union City Source Reduction and Recycling-Element based on the exclusion of 63,875 tons of sewage sludge from the base-year disposal amount and restricted waste types in the base-year that result in both diversion projections that fall below the 25 percent and 50 percent mandated goals.

ANALYSIS:

SRRE

SRRE ADEQUACY	YES	NO
All required documentation submitted	X	
CIWMB draft comments adequately addressed	X	
LTF comments addressed	X	
Meets SRRE criteria (in CIWMP Adequacy Report)	X	
Meets SWGS criteria (in CIWMP Adequacy Report)		X
1995 corrected diversion projection is 25% or more		14.2
2000 corrected diversion projection is 50% or more		30.2

Explanation of any "No" responses:

The SWGS, as submitted, does not meet the following criteria. Changes in tonnage are listed in the table below.

Restricted Materials. The City claimed base-year diversion for 1,738 tons of restricted waste materials including, 1,331 tons of inert solids, 194 tons of ferrous metals and tin cans, and 213 tons of non-ferrous metals. No documentation was received to claim diversion waste credit for these materials, so 1,738 tons were deducted from the base-year, 1995, and 2000 diversion amounts.

Special Waste. The City did not include 63,875 tons of landfilled sewage sludge in the base-year disposal amount. Since the sewage sludge was disposed in a Board-permitted solid waste facility, 63,875 tons were added to the base-year, 1995, and 2000 disposal amounts.

The SWGS as corrected meets the SWGS criteria.

Area of Concern

In Table 6-2 of the SRRE, the City proposed incineration of tires as a diversion program for the year 2000. Statute requires that jurisdictions meet the appropriate conditions in PRC Sections 40106, 41781.2 (g), and 41783.1 to claim up to 10 of the 50% diversion goal for biomass conversion, or PRC Sections 40201 and 41783 for transformation in the year 2000. Because tires are not included in the definition of biomass, they do not qualify for diversion credit as biomass conversion in the year 2000. Likewise, transformation of tires at a facility not permitted by the Board does not qualify as diversion tonnage which may be counted toward the 50% diversion goal.

City of Union City	Base-Year			1995			2000		
	Dis.	Div.	Gen.	Dis.	Div.	Gen.	Dis.	Div.	Gen.
Original Claim	72,613	13,392	86,005	67,432	23,449	90,881	46,527	49,574	96,101
Changes to claimed tons:									
Restricted materials:									
Inert solids	0	(-1,331)	(-1,331)	0	(-1,331)	(-1,331)	0	(-1,331)	(-1,331)
Scrap metals	0	(-407)	(-407)	0	(-407)	(-407)	0	(-407)	(-407)
Agricultural waste	0	0	0	0	0	0	0	0	0
White goods	0	0	0	0	0	0	0	0	0
Subtotal	0	(-1,738)	(-1,738)	0	(-1,738)	(-1,738)	0	(-1,738)	(-1,738)
Sludge	63,875	0	63,875	63,875	0	63,875	63,875	0	63,875
Corrected Totals	136,488	11,654	148,142	131,307	21,711	153,018	110,402	47,836	158,238
Claimed diversion rates		15.6%			25.8%			51.6%	
Corrected diversion rates		7.9%			14.2%			30.2%	

ATTACHMENTS:

- 1: Resolution # 97-273 Disapproval of the SRRE for the City of Union City,
Alameda County.

Prepared by: Jenifer Kiger *JK* Phone: 255-2393

Prepared by: Chris Schmidle *CIS* Phone: 255-2403

Reviewed by: Dianne Range *DR* Phone: 255-2400

Reviewed by: Catherine Cardozo *CC* Phone: 255-2396

Reviewed by: Lorraine Van Kekerix *LVK* Phone: 255-2607

Reviewed by: Judith J. Friedman *JJF* Phone: 255-2302

Legal Review: EB Date/time: 6/22/97

ATTACHMENT NO. 1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 97-273

FOR CONSIDERATION OF DISAPPROVAL OF THE SOURCE REDUCTION AND
RECYCLING ELEMENT FOR THE CITY OF UNION CITY, ALAMEDA COUNTY

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41000 requires that each city prepare and adopt a Source Reduction and Recycling Element (SRRE) which includes all of the components specified; and

WHEREAS, California Code of Regulations Title 14, Section 18767 requires that jurisdictions ensure their SRRE has complied with the California Environmental Quality Act and provides a Notice of Determination from the State Clearinghouse as required; and

WHEREAS, PRC Section 41001 requires that the City's SRRE include a program for the management of solid waste generated within the City, consistent with the waste management hierarchy provided in PRC Section 40051; and

WHEREAS, the City's SRRE shall place emphasis on implementation of all feasible source reduction, recycling, and composting programs while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be reduced at the source, recycled, or composted; and

WHEREAS, PRC Section 41780 and its implementing regulations require that the SRRE show how the City will achieve the diversion goals of 25% by 1995, and 50% by 2000; and

WHEREAS, based on review of the City's SRRE, the Board staff found that there was insufficient documentation to claim diversion for excluded waste types specified in PRC Section 41781.2 and subsequently adjusted the base year diversion claims and projected diversion levels, as called for in PRC Section 41801.5; and

WHEREAS, PRC section 41781 requires the City's SRRE to include the amount of all solid waste generated in the City that was subsequently disposed in permitted disposal facilities as of

1990, and, based on review of the City's SRRE, Board staff found that sewage sludge disposed in a Board-permitted solid waste facility in the base-year had not been included in the City's generation amounts, and subsequently adjusted the base-year, 1995, and 2000 disposal amounts accordingly; and

WHEREAS, these adjustments resulted in the City's projected diversion rates for 1995 and 2000 to fall short of the mandated diversion goals; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby disapproves the Source Reduction and Recycling Element for the City of Union City due to sewage sludge and undocumented restricted wastes which result in the diversion projections for the years 1995 and 2000 to fall below the mandated goals, and directs staff to draft a Notice of Deficiency to the jurisdiction. The notice will identify the measures to be taken to rectify the deficiencies and a timeline for doing so.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 23, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

LOCAL ASSISTANCE AND PLANNING COMMITTEE

July 16, 1997

AGENDA ITEM 33

ITEM: Consideration of Staff Recommendation on a Draft Biennial Review Process

I. SUMMARY

Public Resources Code (PRC) Section 41825 requires the Board to review each city, county, and regional agency (jurisdiction) Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE) at least every two years. As a result of this biennial review, the Board may initiate a compliance process for jurisdictions failing to implement the SRRE and/or HHWE. Jurisdictions failing to meet the provisions of the compliance process may be subject to fines of up to \$10,000 per day.

II. PREVIOUS COMMITTEE ACTION

The Local Assistance and Planning Committee (Committee) has not previously acted on this item.

III. OPTIONS FOR THE COMMITTEE

The Committee may direct staff to:

- 1) Pursue the draft process as presented.
- 2) Modify the draft process, or pursue an alternative process.
- 3) Distribute the draft Biennial Review Process for public comment, revise the document if necessary, and bring a revised Biennial Review Process agenda item to the Committee and Board.

IV. STAFF RECOMMENDATIONS

Staff recommends the Committee direct staff to obtain comments on the Biennial Review Process as described below.

Board staff, upon direction and approval from the Committee, would distribute this draft Biennial Review Process for a 30-day public comment period to local government officials, League of California Cities, County Supervisors Association of California, Local Government Technical Advisory Committee, and other interested parties. Staff proposes interested parties be asked to comment on the proposed Biennial Review Process and to provide general guidance for the final product, prior to bringing a revised Biennial Review agenda to the Board for consideration.

V. ANALYSIS

Background

The Integrated Waste Management Act of 1989 (IWMA) set forth a planning process for each jurisdiction to manage and reduce solid waste disposal and to separate household hazardous waste from the solid waste stream. The planning process includes jurisdiction development and local approval of planning documents, including SRREs and HHWEs; jurisdiction submittal of planning documents to the Board; and Board review and action (approval, conditional approval, or disapproval). Each jurisdiction must submit a SRRE and implement the programs selected to meet the disposal reduction goals (25% reduction by 1995 and 50% reduction by 2000 for most jurisdictions). Each jurisdiction must also submit a HHWE and implement the programs selected to prevent household hazardous waste from being disposed.

Each jurisdiction must report annually to the Board on program implementation status and disposal reduction goal achievement for the SRRE and program implementation for the HHWE. At least every two years, the Board is required to review implementation of each jurisdiction's SRRE and HHWE; this biennial review is the Board's independent evaluation of a jurisdiction's progress in implementing the SRRE and HHWE selected programs and reaching the disposal reduction goal (PRC Section 41825, see Attachment 1). If a jurisdiction is not meeting the mandates of the IWMA the Board may issue a compliance order and schedule (PRC Section 41850). Fines of up to \$10,000 per day may be levied only if the provisions of the compliance order and schedule are not met (PRC Section 41850).

Staff of the Office of Local Assistance (OLA) and the Waste Characterization and Analysis Branch (WCAB) has developed a draft Biennial Review Process. This draft process addresses staff review and recommendation of compliance with the IWMA, Board consideration of staff recommendation, and initiation of the compliance process. The attached flow chart (Attachment 2) illustrates the draft Biennial Review Process.

Review Schedule

Since the Board must review each jurisdiction's progress in meeting the goal, staff has developed scheduling criteria to determine the order in which each jurisdiction's documents will be reviewed. Staff anticipates beginning the Biennial Review Process (Attachment 2) in fall of 1997, shortly after receipt of the 1996 Annual Reports. Jurisdictions that are required to have submitted two Annual Reports (1995 and 1996), approximately 375 jurisdictions, will be among those reviewed initially. Board staff will then schedule for review those jurisdictions which are required to have submitted only the 1996 Annual Report, and finally those remaining jurisdictions will be reviewed last. The Board has the option of performing a Biennial Review on any jurisdiction (regardless of scheduling criteria) if specific conditions warrant a more prompt review.

Initially in the Biennial Review Process, those jurisdictions that have missing Annual Reports would be receiving a request for information and be given a time frame of 60 days to submit this information to the Board. If the requested information is not received by the Board within the 60 day time frame, staff would begin its analysis and preparation of a Biennial Review agenda item and would recommend the Committee and Board pursue a compliance schedule.

Staff anticipates that as a result of the Biennial Review Process, there will be a variety of agenda items coming to the Committee and Board for consideration.

Review Criteria

The following information sources are available to Board staff to conduct a Biennial Review:

- SRREs and HHWEs
- agenda items approving a jurisdiction's SRRE/HHWE
- annual reports and disposal reporting information submitted by jurisdictions
- Board approved Petitions for Reductions and their agenda items
- Board-approved Petitions for Extensions and their agenda items
- Board approved Regional Agency agenda items
- correspondence between jurisdictions and the Board
- staff communication records
- other information submitted by the jurisdiction
- data from other federal, state, and local agencies.

Under this proposed process, staff would submit specific information requests to jurisdictions when needed to fill information gaps.

Staff of the OLA and WCAB will use the information sources identified in the previous paragraph to conduct their biennial review of each jurisdiction's plan implementation and disposal reduction information. Using the review criteria outlined in the "CIWMP Enforcement - Part II" report (approved by the Board in February, 1995) as their guide, staff will analyze whether each jurisdiction has met the numerical goal or mandate use requirement and sufficiently implemented those programs identified in the jurisdiction's SRRE and HHWE. Following is an example of some of the Board-approved criteria outlined in the "CIWMP Enforcement -- Part II" report:

- What are the projected, adjusted, and measured diversion rates?
- What programs have been implemented, or what existing programs have been continued or expanded, to achieve the diversion requirements?
- Are contingency programs selected and available to implement, if necessary, to maintain diversion levels?
- Were all significant waste materials selected in the SRRE/HHWE targeted in the implemented programs?
- Were waste quantification problems encountered when calculating diversion (25%/50%) achievement?

- Have participation and effectiveness been low?
- Have markets for diverted materials continually remained low or poor?
- Were sufficient funds available to implement programs?
- Does the jurisdiction meet the qualifications for relief according to PRC Section 41850(b)?

As part of the Biennial Review, staff will also analyze the following: whether a jurisdiction needs to revise all or a portion of its SRRE, HHWE, Siting Element, or Summary Plan (PRC Section 41770); whether new data warrants alteration of an existing Petition for Reduction for a jurisdiction (PRC Section 41787(b), 41785); whether a jurisdiction no longer qualifies for reduced tonnage as specified in PRC Section 41782; or, no longer meets qualifications for transformation (PRC Section 41783) or biomass conversion (PRC Section 41783.1).

Review Process

The attached Biennial Review Process flow chart identifies, in a step-wise approach, the process which staff will follow in making their recommendation. Once staff has completed its review, an agenda item with a recommendation will be forwarded to the Committee and Board for their consideration.

If staff makes a recommendation that a jurisdiction has implemented its SRRE and HHWE and it has also achieved the mandated disposal reduction goal, the proposed Biennial Review Process flow chart indicates that a streamlined agenda item would be prepared and forwarded to the Committee and Board for their consideration. Staff recommends the Board adopt a policy that allows staff to submit one streamlined agenda item each month that identifies jurisdictions for which staff recommends approval of the Biennial Review.

If staff makes a recommendation that a jurisdiction has not met the disposal reduction goal or has not sufficiently implemented its SRRE or HHWE, the proposed biennial review flow chart indicates that a full agenda item for each jurisdiction would be prepared and forwarded to the Committee and Board for their consideration.

Statute allows good faith effort and other considerations when determining the amount of fine, if any, imposed by the Board on jurisdictions failing to comply with plan implementation and goal achievement statutes. The process described in statute requires these situations to be considered at the end of a compliance schedule. Staff recommend the Board adopt a policy to analyze applicable good faith effort and other statutory relief considerations during the "staff review and recommendation" steps of the proposed Biennial Review Process. Staff believes this will streamline the Biennial Review Process and reduce the burden on the Board to hold additional hearings and on jurisdictions to comply with issues that may have already resolved themselves, as seen in the following examples.

Jurisdiction A had an existing exclusive franchise solid waste handling contract that did not include recycling services. This contract expired in mid-1995. Jurisdiction A put out a bid for services that would include recycling services; the contract resulting from this bid was signed and implemented in mid-1995, but the recycling services did not reach full capacity until early 1996. The 25% diversion requirement was not met in 1995, but diversion exceeded 25% in 1996. Statute allows consideration of budgetary conditions, including existing contracts that can not be altered, in determining the amount of fine (if any).

Jurisdiction B, in its SRRE, planned to implement a number of diversion programs to achieve the goals. The jurisdiction proceeded to implement all of the programs identified in the SRRE; however, after reviewing the 1995 disposal reporting data, the jurisdiction realized that the expected diversion rates for some of the programs were overestimated in the SRRE and the jurisdiction was not able to meet 25% by 1995. As a result, the jurisdiction implemented additional programs to boost diversion and was able to achieve a 25% diversion rate by the end of 1996. Statute allows consideration of the extent to which a jurisdiction has implemented additional diversion activities to comply with the diversion requirements.

VII. ATTACHMENTS

Public Resources Code Sections pertaining to the Biennial Review
Biennial Review Process Flowchart

VIII. APPROVALS

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Reviewed by: Lorraine Van Keken *LVK* Phone: 255-2670

Reviewed by: Pat Schiavo *PS* Phone: 255-2656

Prepared by: Judy Friedman *JF* Phone: 255-2376

Legal review: Elliot Block *EB* Date: 7/3/97

PUBLIC RESOURCES CODES PERTAINING TO THE BIENNIAL REVIEW

Public Resources Code Section 41825:

At least once every two years, the board shall review each city, county, or regional agency source reduction and recycling element and household hazardous waste element. If, after a public hearing, which, to the extent possible, is held in the local or regional agency's jurisdiction, the board finds that the city, county, or regional agency has failed to implement its source reduction and recycling element or its household hazardous waste element, the board shall issue an order of compliance with a specific schedule for achieving compliance. The compliance order shall include those conditions which the board determines to be necessary for the local agency or regional agency to complete in order to implement its source reduction and recycling element or household hazardous waste element.

Public Resources Code Section 41850:

(a) (1) Except as specifically provided in Section 41813, if, after holding the public hearing and issuing an order of compliance pursuant to Section 41825, the board finds that the city, county, or regional agency has failed to implement its source reduction and recycling element or its household hazardous waste element, the board may impose administrative civil penalties upon the city or county or, pursuant to Section 40974, upon the city or county as a member of a regional agency, of up to ten thousand dollars (\$10,000) per day until the city, county, or regional agency implements the element.

(b) In determining whether or not to impose any penalties, or in determining the amount of any penalties imposed under this section, including any penalties imposed due to the exclusion of solid waste pursuant to Section 41781.2 which results in a reduction in the quantity of solid waste diverted by a city, county, or regional agency, the board shall consider only those relevant circumstances which have prevented a city, county, or regional agency from meeting the requirements of this division, including the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780, including, but not limited to, all of the following:

(1) Natural disasters.

(2) Budgetary conditions within a city, county, or regional agency which could not be remedied by the imposition or adjustment of solid waste fees.

(3) Work stoppages which directly prevent a city, county, or regional agency from implementing its source reduction and recycling element or household hazardous waste element.

(c) In addition to the factors specified in subdivision (b), the board shall consider all of the following:

(1) (A) The extent to which a city, county, or regional agency has made good faith efforts to implement its source reduction and recycling element or household hazardous waste element.

(B) (i) For the purposes of this paragraph, "good faith efforts" means all reasonable and feasible efforts by a city, county, or regional agency to implement those programs or activities

identified in its source reduction and recycling element or household hazardous waste element, or alternative programs or activities that achieve the same or similar results.

(ii) For purposes of this paragraph, "good faith efforts" may also include the evaluation by a city, county, or regional agency of improved technology for the handling and management of solid waste that would reduce costs, improve efficiency in the collection, processing, or marketing of recyclable materials or yard waste, and enhance the ability of the city, county, or regional agency to meet the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780, provided that the city, county, or regional agency has submitted a compliance schedule pursuant to Section 41825, and has made all other reasonable and feasible efforts to implement the programs identified in its source reduction and recycling element or household hazardous waste element.

(2) The extent to which a city, county, or regional agency has implemented additional source reduction, recycling, and composting activities to comply with the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780.

(3) The extent to which a city, county, or regional agency is meeting the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780.

Public Resources Code Section 41850.5:

Any administrative civil penalty imposed by the board pursuant to Section 41813 or 48150 shall be deposited in the Local Government Assistance Account, which is hereby created in the Integrated Waste Management Fund. Any funds deposited in that account shall be used solely for the purposes of assisting local governments in complying with the diversion requirements established under Section 41780, and shall not be used by the board for administrative purposes.

Public Resources Code 41851:

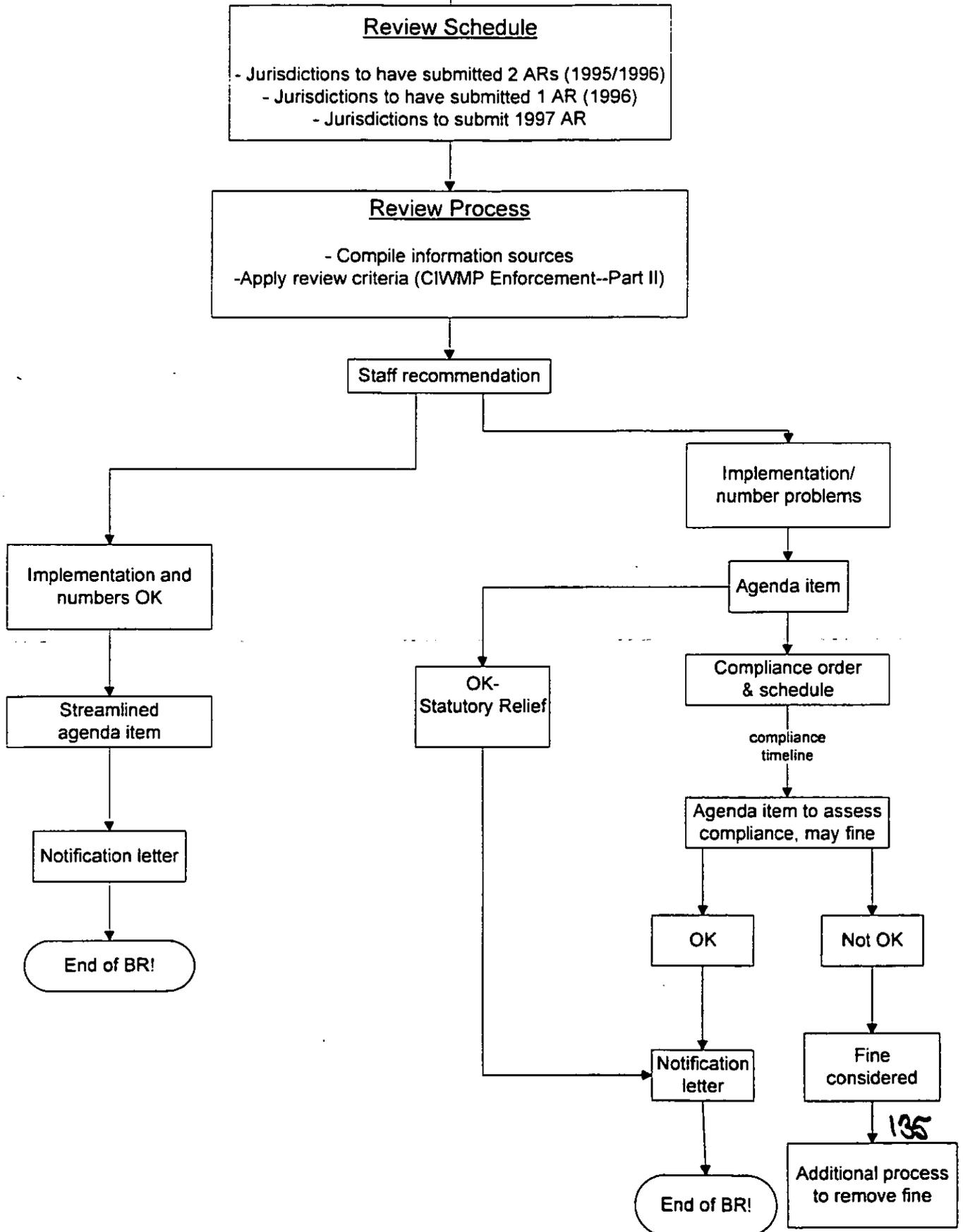
Nothing in this chapter shall infringe on the existing authority of counties and cities to control land use or to make land use decisions, and nothing in this chapter provides or transfers new authority over that land use to the board.

Biennial Review
Process Chart

6/25/97

Attachment 2

SRRE/HHWE
Board action



CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Local Assistance and Planning Committee
July 16, 1997

AGENDA ITEM 35

ITEM: PRESENTATION OF PILOT BUSINESS WASTE REDUCTION PROGRAM RESULTS

I. SUMMARY

Four contracts (up to \$10,000) were awarded in 1995 for the Pilot Business Waste Reduction Program. The four contractors coordinated teams of volunteers to conduct free waste assessments and provide businesses with recommendations on how to reduce waste. Through a cooperative agreement with the CIWMB, the US EPA provided an additional \$53,000 towards this program. With these funds, the contractors conducted additional waste assessments and provided businesses with information and application materials for the Waste Wise Program.

Through these four contracts, 255 businesses received free waste assessments and recommendations to reduce waste and save money. In addition, fifteen case studies were developed on businesses that participated in the program. One of the contractors, Ecology Action of Santa Cruz, is continuing their efforts to provide ongoing comprehensive business waste reduction assistance to businesses in the Monterey Bay region.

Working with volunteers and a wide variety of business types proved challenging for those involved in the program. Recruiting, training and retaining volunteers as well as identifying interested businesses required more time and effort than originally expected. These and other "lessons learned" through these four contracts are discussed later in the agenda item.

II. PREVIOUS COMMITTEE ACTION

The Committee and the Board approved the contract concept and the scope of work.

III. OPTIONS FOR THE COMMITTEE

This is an informational item that does not require committee action.

IV. STAFF RECOMMENDATION

This is an informational item so a staff recommendation is not included.

V. ANALYSIS

A. Project Background

The Pilot Business Waste Reduction Program concept evolved from an established program in New England called Waste Cap. Waste Cap facilitates cooperation between businesses by matching those experienced in waste reduction activities with those just establishing waste reduction efforts. In Maine, the program is now coordinated through the Chamber of Commerce and receives funding from US EPA grants and various private grant programs. Due to California's size, it was more appropriate to take a regional, rather than statewide approach to such a program. As a result of the nature of the organizations who bid, teams of trained volunteers were used, instead of attempting to contact, coordinate, and maintain a network of business peers. Finally, the development of case studies was incorporated into the project to generate useful information on waste assessment and waste reduction options for businesses.

The Board approved \$40,000 for this program, providing up to \$10,000 for each of the four contracts. Staff from CIWMB and US EPA realized that the Pilot Program and the US EPA Waste Wi\$e Program were complimentary. CIWMB staff submitted a proposal to the US EPA to obtain additional funding for the Pilots. This resulted in a Cooperative Agreement with the US EPA which provided an additional \$53,000 which augmented each of the four contracts by \$13,250. Through this agreement, the contractors conducted additional waste assessments and promoted the Waste Wi\$e Program.

Each contractor was responsible for coordinating a team of volunteers to conduct on-site business waste assessments and develop a waste reduction report with specific recommendations for reducing waste. Businesses were also provided information about the US EPA Waste Wi\$e program, which encourages organizations to commit to waste prevention, recycling collection and buy recycled goals. Additionally, each contractor developed five case studies and conducted follow-up phone calls to the businesses.

B. Contract elements and deliverables

Structuring the program as a pilot allowed the contractors to customize their own program to the needs of their local area. This structure also encouraged coordination with local governments and other organizations. Contractors were encouraged to seek out funding sources to continue the program beyond the end of the contract.

Each contractor was also required to develop five case studies of businesses that participated in the program. Every business received a waste reduction report with recommendations, as well as resource materials on waste reduction.

The following table provides a summary to the four contracts.

	Northern Region	Central Region	Los Angeles Region	San Diego Region
Contractor/ Organization	Arcata Community Recycling Center	Ecology Action of Santa Cruz	The Pick Up Artists	Energy Consulting Associates
Contact Person	Mark Kennedy	Victor Aguiar	Kari Steinberg	Trisha Frank
Type of organization	Non-profit; operating for 20+ years; provides waste prevention, reduction and recycling education and services	Non-profit; operating for 20+ years; coordinates public education efforts on recycling,	consultant; provides waste reduction education, training, promotion and collection services to businesses	consultant; energy conservation projects; various recycling and waste reduction efforts
Local partners These include local gov'ts and other organizations providing funding or general support for the project	County, cities of Arcata, Ukiah, Ferndale, Humboldt State University.	Counties of Santa Cruz, San Benito and Monterey; Cities of Santa Cruz, Monterey, Scotts Valley, Salinas; Waste Management	County of Los Angeles, Cities of Culver City, Pasadena, Los Angeles, Santa Monica, Beverly Hills; UCLA; Recycled Paper Coalition.	County of San Diego, City of San Diego; "I Love a Clean San Diego County"
Number of waste assessments				
Contracted	65	67	65	70
Completed	65	67	65	61
Contract amount, including US EPA funds	\$22,830	\$20,550	\$20,743	\$23,246
Assessments conducted by	Students from Humboldt State University	Volunteers and student interns recruited for this program	Contractor, volunteers and local government waste reduction staff.	Volunteers from the non-profit organization "I Love a Clean San Diego County"

C. Accomplishments and efforts since the contract ended.

The goals of this program included: (a) encouraging businesses to reduce waste; (b) demonstrating that businesses can voluntarily take steps to reduce waste; and (c) developing a structure at the community level to provide on-going business waste reduction assistance. One of the anticipated results of the program was a reduction of waste disposed by the participating businesses of 35 to 50%. Through the program, four Pilot Business Waste Reduction Program contracts were successfully completed. The specific accomplishments of these contracts are discussed below.

1. Waste Assessments completed. Three of the four contractors were able to fully complete their required waste assessments (a total of 255). At times it was problematic for the contractors to persuade businesses to participate in the program, as many were wary of any type of "audit" or "assessment" associated with a government agency. The contractors found that focusing on the "bottom line" was the best approach. A wide variety of businesses participated in the program, including retail, service, and light industrial and processing operations. Some of the contractors could not find a sufficient number of businesses to participate within the contract timeframe. These contractors conducted waste assessments for some government offices and school facilities. The contractors noted that these waste generators are often overlooked in waste reduction efforts.

Ecology Action, using a software program to estimate waste reduction and cost savings, found the majority of the businesses who participated in the program could achieve at least a 40% reduction in waste disposed by implementing the recommendations. Some businesses could achieve a reduction in waste disposed of 75% and 80%. Cost savings potential identified by Ecology Action focused on purchase cost reduction as well as hauling and disposal service savings. Savings estimates were calculated for both first year and subsequent years based on implementing the waste reduction recommendations. Savings estimates ranged from just a few dollars to \$7,900, with an average savings of \$4,112 per business on an annual basis. The savings and waste reduction potential varied for the businesses participating in the program. Some of the businesses had already established waste reduction efforts such as recycling, while others had no existing waste reduction efforts underway. Ecology Action provided all participating businesses with a detailed report of the potential costs savings and waste reduction potential, based on the recommendations.

2. Local Support. Local governments, non-profits, waste haulers and educational organizations are among the various entities involved in the program. This coordination was initiated at the beginning of the program and helped establish an informal network of resources to assist businesses in their waste reduction efforts.

3. Resource materials provided. The majority of the businesses were provided information on the US EPA Waste Wise Program. As requested by USEPA, businesses interested in participating Waste Wise Program contacted Waste Wise staff directly to obtain additional information and register for the program. Businesses also received a variety of CIWMB materials and information on local waste reduction programs. These materials provided useful information on waste reduction opportunities for the businesses. Businesses received information on the Waste Reduction Awards Program (WRAP) and were encouraged to apply. It is likely that some businesses chose to wait to apply until after implementing the waste reduction options recommended by the contractors.

4. Case studies developed. Case studies of fifteen organizations and their waste reduction efforts and opportunities were completed. Each contractor was required to submit five case studies. Unfortunately, after detailed review, it was determined that the five case studies submitted by Energy Consulting associates were not of acceptable quality to distribute to other businesses and local governments. The case studies are intended to educate other businesses of similar type about waste reduction opportunities. Some of the case studies are generic, while others indicate the specific business profiled. Due to confidentiality and privacy concerns, many businesses were not willing to allow the use of their specific name and location in a case study. These case studies compliment existing CIWMB business waste reduction materials.

5. Efforts achieved beyond the scope of the contract. One contractor, Ecology Action of Santa Cruz was able to obtain additional funding for a total project budget of \$83,000. The initial contract with the CIWMB was critical in securing the additional funding. With this additional funding, Ecology Action expanded their project to include an extensive volunteer training program, a "minimax" (ProMax) and implementation assistance. The program is known as "Waste Away in Monterey Bay". To accommodate their expanded efforts, Ecology Action's contract was extended to November 30, 1996. The Waste Away in Monterey Bay program continues with funding from various sources, including local government.

6. Efforts planned after completion of the contract. As noted above, Ecology Action of Santa Cruz have secured funding and dedicated staff to continue their "Waste Away in Monterey Bay" Program. They will continue to work with the volunteer network established through the pilot contract.

Ecology Action also developed a waste reduction computer program designed to track the impacts of a business waste reduction program. Ecology Action is also working with other jurisdictions to establish or conduct business waste assessment programs.

Arcata Community Recycling Center (ACRC) has considered continuing their business waste assessment program in coordination with Humboldt State University. As part of the original contract, a training session was developed for the students who conducted waste assessments as part of a course project. These materials can be used again in the future. Current funding issues facing the ACRC at this time have taken priority over the business waste assessment program. As the situation changes in the future, the program may be reinstated.

The Pick Up Artists, building on the experience through this contract, conducted a series of waste reduction workshops for the hotel industry as part of the CIWMB's Waste Prevention Education Partnership. These workshops featured hotels with successful waste reduction programs and local government representatives involved in business waste reduction programs. Since the end of the contract, The Pick Up Artists have been hired to conduct waste assessments upon the request of individual businesses. The Pick Up Artists is also working with a non-profit organization to establish an employment development-training program for youths to conduct business waste assessments.

Energy Consulting Associates has not continued waste assessment efforts after the end of the contract.

One of the limitations of the volunteer approach is that it does not have the self-sustaining nature of a peer match program such as Waste Cap. Once the contract is completed there is little interest by the contractor to continue the work. Fortunately, Ecology Action views this type of program as both benefiting their community and furthering the goals of the organization. Their efforts to continue the program will provide some long-term indication of the impact and success of this type of program.

D. Lessons Learned

1. A minimum level of funding is required to adequately fund this type of program and to attract interested bidders. When the Request for Proposal (RFP) for the contracts was first distributed, only one of the potential bidders who requested the RFP actually submitted a proposal. Staff contacted the potential bidders to determine the reason for their lack of interest. The message was clear that \$10,000 was not enough for the requested work and the time required for developing the proposal. After the U.S. EPA funding was added and the RFP revised, additional bids were received. Still, the contractors expressed concern that the low funding limited the depth of work they could perform. Also, a total of only five bids were received for the four regions. Based on input from the bidders or contractors, staff estimates that a minimum amount of \$40,000 per contract would be needed to attract bidders to effectively conduct the required waste assessments, provide effective follow-up and to provide implementation assistance to the businesses. This

conclusion should be strongly considered by anyone contemplating such a program in the future.

2. Based on feedback from the contractors, program measurement is critical for tracking the success and impact of the program. Measurement increases the understanding of how waste assessments help businesses reduce waste. This information also shows other businesses the benefits of participating in such a program. Measurement of the waste reduction achieved by businesses requires monitoring or reassessing the business after recommendations have been implemented. Consequently, measurement is tied to follow-up. Ecology Action obtained additional funding to develop a software program to quantify potential and actual cost savings and reduction of waste disposal for businesses participating in the program. Future efforts need to allow adequate resources and time to collect the needed information for effective program measurement.

3. Follow-up is critical for success of the program. As shown by the efforts of Ecology Action, providing follow-up assistance to businesses increases the implementation of waste reduction recommendations. Follow-up efforts also provide an opportunity to measure the impact of the program. Future efforts to conduct waste assessments should allow for the time and resources needed to conduct effective follow-up assistance.

4. Local government support and involvement is critical. First, the program managers who effectively coordinated their efforts with local government organizations and waste management organizations established a network of resources from which they could draw information and expertise. This decreased confusion among businesses and helped send a consistent message to businesses. Second, local governments were able to assist program managers to identify businesses to participate in the program. Finally, local governments and waste management organizations also provided the program managers with resources and technical information on business waste reduction. Future efforts should involve local government and other organizations in the community that provide waste reduction and business assistance.

5. Business waste assistance should be targeted to business sectors that generate priority waste materials. For this program, any interested business was able to participate. To focus on reducing tons of waste disposed requires identifying business sectors within the program's jurisdiction, which generate priority materials. Future waste assessment programs should focus on assisting businesses that generate a large volume of waste materials or waste materials that represent a significant portion of the waste stream. In addition, the recommendations for individual businesses should focus on reducing these priority materials.

6. Businesses are motivated primarily by profit and cost savings; decreasing the amount of garbage they dispose is not a critical concern. Consequently, focusing just on waste reduction and disposal cost avoidance was not sufficient to motivate most businesses to participate. Businesses were more responsive to waste reduction recommendations that helped them save money on purchases, energy use and labor cost. Future efforts, which include recommendations that encourage the efficient use of all resources, are more likely to motivate businesses to change their behavior.

7. Some businesses expressed concern about maintaining their confidentiality. Some businesses were reluctant to provide information about business activities that would help contractors conduct a comprehensive waste assessment. Other businesses were concerned about providing access to the work areas of those conducting waste assessments. Many of the businesses do not want the information collected through the waste assessment made public. For the businesses who expressed these concerns, the contractors agreed that the information collected for the waste assessment was confidential and would not be made public. Also, some of the case studies developed do not indicate the specific business but rather indicate the type of business. Future state and/or local government efforts must be sensitive to this concern and provide assurances of confidentiality to interested businesses.

8. For all of the contractors, working with volunteers proved quite challenging. From recruitment, to training, to retention and motivation, volunteers required more time and effort than the contractors expected. These various resulted in program delays missed opportunities and incomplete waste assessments. Much of the problem stems from the lack of commitment and accountability associated with any volunteer program. If volunteers are used in future programs someone experienced with recruiting, training and motivating volunteers is needed. Also, the roles and responsibilities of the volunteers must be clearly defined and communicated to the volunteers.

E. Future Plans based on this project.

Funding constraints do not allow for CIWMB to fund additional waste assessment programs. Staff identified a number of efforts that will be undertaken in the future.

1. Encourage local governments, community organizations and private consultants to conduct similar programs. Educate local jurisdictions about business waste assessment programs by: (a) placing articles in the CIWMB Infocycling Newsletter; and (b) encouraging jurisdictions and other organizations with business waste assessment programs to share their experiences and knowledge with others.

2. Provide information about the approaches used and lessons learned by the contractors through: (a) a fact sheet; and (b) the Waste Prevention World website. This information will help other communities identify business sectors which generate key waste materials and develop a state and regional focus to provide information to these sectors. Provide information to local jurisdictions on the business sectors in their communities that generate key waste materials. Then, coordinate with local government to provide business waste reduction information to these sectors.

3. Conduct a follow-up survey of participating business. This survey could include questions about the program benefits, their waste reduction efforts, and waste reduction assistance available in their community.

4. Incorporate the information and experience gained from this program into the US EPA funded "Integrated Multi-Media Pollution Prevention Business Assessments" program for the printing industry. Staff received notice from US EPA in June 1997, that this program would receive \$100,000 in funding through a Pollution Prevention Incentives for States (PPIS) grant. Efforts are currently underway to meet with US EPA and the various program partners to finalize details of the workplan.

5. Identify business sectors that generate key waste materials and develop a state and regional focus to provide information to these sectors. Provide information to local jurisdictions on the business sectors in their communities that generate key waste materials. Then, coordinate with local government to provide business waste reduction information to these sectors.

6. Coordinate with Department of Energy's Industrial Assessment Center (IAC) waste and energy audit program to inform local governments and businesses about the IAC audits. Provide information for the California Energy Commission (CEC) workshops being held in coordination with the IACs to recruit more businesses into the program.

7. Case studies developed by the contractors will be formatted on the revised fact sheet paper. The case studies will also be included in the Waste Prevention World section of the CIWMB home page.

VI. APPROVALS

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Reviewed by: Caren Trgovcich *CT* Phone: 255-2320

Legal: N/A Date/Time:

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Local Assistance and Planning Committee Meeting
July 16, 1997

AGENDA ITEM 36

ITEM: UPDATE ON CALCULATION OF THE 1996 RPPC PETE AND ALL-CONTAINER RECYCLING RATES

I. SUMMARY

Senate Bill 235 (Public Resource Code §42310) requires the Board to adopt a method to estimate two recycling rates: an aggregate recycling rate (all-container rate) for all rigid plastic packaging containers (RPPCs) sold in California and a recycling rate for polyethylene terephthalate (PETE rate) RPPCs. The Board at its May 1997 meeting approved staff's recommended method to calculate the all-container RPPC recycling rate. At its June 1995 meeting, the Board approved the methodology for calculating the PETE rate. This item will update the committee on the progress to calculate the PETE and All-container recycling rates for 1996.

II. PREVIOUS COMMITTEE ACTION

The Committee has not previously heard items on the progress of the 1996 PETE and all-container recycling rate calculations.

III. OPTIONS FOR THE COMMITTEE

As this is an informational item, there are no options for the Committee to consider.

IV. STAFF RECOMMENDATION

Provide direction to staff following the presentation as appropriate.

V. ANALYSIS

All-Container Rate

Staff, working in conjunction with interested parties and the Board's consultant Cascadia Consulting Group, has developed a method to calculate the amount of RPPCs recycled and generated in California. This method was approved by the Board at its April Board meeting in San Bernardino. To calculate the amount of RPPCs recycled, the Department of Conservation (DOC) has agreed to undertake a survey of processors. The Executive Director met with Lawrence Goldzband, Director of DOC, to solicit the Department's

assistance. Staff has met with DOC staff twice to discuss the processor survey, cost to complete the survey, and the scope of work for an Interagency Agreement. The draft scope of work is presented as Attachment 1. DOC has indicated they could complete a survey of processors by October 1997.

The Board's consultant, Cascadia Consulting Group, has been working to assess and identify categories of national resin sales (NRS) that can be used to calculate the denominator. To calculate the amount of RPPCs generated, the consultant will use national resins sales (NRS) for 1995 and 1996. A scaling factor will be calculated based on the ratio of 1995 NRS divided by the results of last year's RPPC waste characterization studies conducted at landfills and transfer stations. The scaling factor will be applied to 1996 NRS to determine the amount of RPPCs generated in California in 1996. The results of Cascadia's evaluation of national resin sales are presented in Attachment 2.

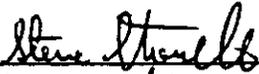
On June 12, 1997, staff sent a letter to interested parties informing them of work to determine the numerator and denominator (Attachment 3). The letter also requested interested parties review the categories of NRS and provide comment to Board staff by June 27, 1997. Comments received will be presented at committee meeting.

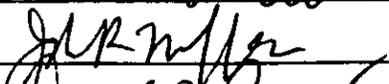
PETE Rate

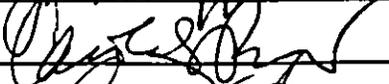
The PETE rate requires staff collect data from the Department of Conservation, the U.S. Bureau of the Census, the California Department of Finance and other trade publications. Staff is currently collecting this information and will calculate the PETE recycling rate.

- VI. ATTACHMENTS:
1. Scope of Work (Draft) for an Interagency Agreement with the Department of Conservation
 2. Cascadia Evaluation of National Resin Sales Categories
 3. Letter to Interested Parties

VI. APPROVALS

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Reviewed by: John Nuffer  Phone 255-2461

Reviewed by: Carole Brow  Phone 255-2413

Reviewed by: Caren Trgovcich  Phone 255-2320

ATTACHMENT 1

SCOPE OF WORK

Introduction

Senate Bill 235 (Public Resource Code §42310) requires the Board to adopt a method and annually calculate an aggregate recycling rate (the all-container rate) for all rigid plastic packaging containers (RPPCs) sold in California. In April 1997 the Board adopted a methodology that involves surveying plastic processors to determine the amount of RPPCs recycled in California during 1996. Plastic processors, also known as handlers and material recovery facilities (MRFs) bale RPPCs (but do not wash or pelletize RPPCs) for shipment to a reclaimer or end-user.

The Board requires technical assistance to estimate the amount (tons) of RPPCs recycled in California. As the Department of Conservation (DOC) regularly conducts surveys of plastic processors to comply with AB2020, DOC has the experience and knowledge to cost-effectively undertake this survey of processors. Therefore, DOC has agreed to undertake a survey of plastic processors to determine the amount of RPPCs recycled in California for 1996.

Note: The amount of material sold by a processor is confidential business information. In order for DOC to obtain this information from processors, DOC must guarantee strict confidentiality of information received. As such, DOC will not release any unaggregated survey data to anyone, specifically and including the California Integrated Waste Management Board.

Scope of Work

The Scope of Work consists of ten (10) specific tasks. These ten tasks will determine an estimate of the amount of RPPCs recycled in California for 1996.

Specifically DOC will:

- 1) Work with Board staff to develop a cover letter to accompany the processor survey. The letter will explain the purpose of the survey and why DOC is conducting the survey for the Board.
- 2) Revise the survey instrument developed last year by Cascadia Consulting Group. The revisions will enhance the ability of processors to respond to the survey. The survey will include four resin categories: PETE Bottles, HDPE Natural, HDPE Pigmented, and Other RPPCs¹
- 3) Work with Board staff to develop a contact list. The contact list will be comprised of DOC's, the Board's, and Cascadia's Consulting Group lists. The Board will provide a

¹ Other RPPCs are "Unallocated RPPCs" which includes RPPCs coded 1-7 for which no split was available and mixed bale material.

current list of processors (MRFs) and the contact list developed last year by Cascadia Consulting Group.

- 4) Mail survey to processors on the contact lists.
- 5) Conduct telephone follow-up for clarification and/or to encourage processors to respond to survey.
- 6) Obtain a survey response rate comparable to the response rate obtained last year by Cascadia Consulting Group (84%).
- 7) Obtain from the Board software developed by Cascadia Consulting Group to account for the "double-counting"² of recycle RPPC data.
- 8) Provide Board with aggregate amount(s) (tons) of RPPCs recycled in California in 1996 for four (4) resin types.
- 9) Provide Board with descriptive statistics from survey. This will include distribution of processor quantities.
- 10) Be available to answer questions at the Board's Local Assistance and Planning Committee and Board meeting.

Term

The term of the Interagency Agreement will be for 12 months beginning July 1, 1997 and ending June 30, 1998.

Budget

Currently under negotiation.

² DOC will develop a data base to track sales of plastic between processors for each type of RPPC. For example, if MRF A claims to have sold 10 tons of PETE to MRF Z, DOC will enter that information into the database under MRF Z. If MRF Z, in turn reports sending 11 or more tons of PETE to an End-User, DOC will not count as recycled the original 10 tons reported from MRF A (as it is likely included in the 11 tons reported by MRF Z).

Cascadia Consulting Group

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To: Steve Storelli, CIWMB
Interested Parties

From: Suzie Haberland and Charlie Scott

Date: June 12, 1997

Subject: Denominator Methodology

This memo describes the methodology that will be used to calculate the RPPC recycling rate denominator and recommends a preliminary list of SPI-CRS reporting categories to be used in this calculation.

Please review the following materials and return your comments to Cascadia by June 27. We will incorporate your feedback and suggestions prior to calculating the 1996 denominator.

Methodology

The proposed methodology is based on defining the relationship between national resin sales for a group of resins used in RPPC applications and California generation of RPPCs. Once this relationship is defined, the ratio, which describes the relationship, can be applied to future national resin sales data to estimate California generation of RPPCs. The three data sources needed to describe the relationship between national sales and California generation are:

1. 1995 national resin sales statistics from the SPI Committee on Resin Statistics as compiled by Association Services Group, LLC.
2. 1996 national resin sales statistics from the SPI Committee on Resin Statistics as compiled by Association Services Group, LLC.
3. Total 1995 California generation of RPPCs (final CIWMB staff adjustments to Cascadia/APC data, or 318,300 tons).

The formula which describes the relationship is:

Step 1:

$$\frac{1995 \text{ California generation of RPPCs}}{1995 \text{ national resin sales for a group of resins used in RPPCs}} = x\%$$

Step 2:

$$x\% \times 1996 \text{ national resin sales for a group of resins used in RPPCs} = 1996 \text{ denominator}$$

Note: the national resin sales categories must remain constant from year to year.

As discussed in previous Interested Parties meetings, this methodology is straightforward, but it requires that the national resin sales categories used to represent RPPCs be carefully chosen. The accuracy of the proposed methodology is therefore contingent on selecting a listing of national resin sales categories that best approaches the RPPC definition. The listing can be changed in the future, but if such changes are made, it is necessary to recalculate the ratio using 1995 data. The recalculated ratio derived from the 1995 data could then be applied to the data for the current year in question.

The goal is to establish a listing of SPI-CRS categories that most closely approximates the RPPC definition. In California, RPPCs are defined as plastic containers meeting ALL of the following five criteria:

1. It is made entirely of plastic;
2. It is a packaging container in which a product is sold;
3. It is rigid and therefore capable of maintaining its shape;
4. It is capable of multiple reclosures with its attached or unattached lid; and,
5. It is normally used to store a product for 7 days or longer and therefore does not include deli trays or fast food packaging.

Below, is the listing of SPI-CRS categories that Cascadia recommends be included -- based on the RPPC definition above. Attachment 1 includes all SPI-CRS categories that could possibly include RPPCs, and provides our reasoning for why the category, if omitted, is not included in the recommended list.

Recommended List of SPI-CRS Resin Categories

SPI-CRS Reporting Category	1995 Tons Sold
PET Bottle Grades	1,001,277
HDPE Pails	365,825
HDPE Tubs and Containers	116,700
HDPE Base Cups	31,199
HDPE Motor Oil Bottles	84,684
HDPE Liquid Food Bottles	589,923
HDPE Household Chemical Bottles	460,353
HDPE Industrial Drums	113,877
HDPE Pharm., Cosmetics, and Toiletries	141,941
PVC Bottles	85,465
LDPE Bottles	21,624
PP Blow Molding Containers	76,940
PS Rigid (Non-Foam) Packaging	322,179
TOTAL	3,411,987

If this list is accepted, the ratio describing the relationship between national resin sales and California generation of RPPCs would be 11.38%, as calculated using the formulas on page 2:

Step 1:

$$\frac{318,300 \text{ tons}}{3,411,987 \text{ tons}} = 9.33\%$$

1996 national resin sales for the same categories listed above would be multiplied by the ratio above to determine 1996 California RPPC generation, as follows.

Step 2:

$$9.33\% \times 1996 \text{ national resin sales for agreed upon list} = 1996 \text{ California RPPC generation}$$

The result of this multiplication constitutes the denominator in the 1996 RPPC recycling rate equation.

Attachment 1: Listing of SPI-CRS Reporting Categories that May Include RPPCs

SPI-CRS Reporting Category	IN/OUT OF LIST	WHY NOT INCLUDED ON LIST
Domestic PET		
PET Bottle Grades	IN	
All Other Thermoplastic Polyester	OUT	Reporting instructions include applications like strapping, paperboard coating, monofilament, etc.
HDPE Injection Molding		
Pails	IN	
Housewares	OUT	Not a container but products themselves
Tubs and Containers	IN	
Drink Cups	OUT	Not normally used to store a product for 7 days or longer
Crates and Totes	OUT	Not capable of multiple reclosures
Toys/Novelties/Sporting Goods	OUT	Not a packaging container in which a product is sold.
Base Cups	IN	
All Other Injection Molding	OUT	Reporting instructions include a variety of products such as shopping carts, hard hats, lawn & garden products, flower pots, coolers.
HDPE Blow Molding		
Motor Oil Bottles	IN	
Liquid Food Bottles	IN	
Household Chemical Bottles	IN	
Industrial Drums	IN	
Gas Tanks, All Uses	OUT	Not a packaging container in which a product is sold.
Pharm., Cosmetics, and Toiletries	IN	
All Other Blow Molding	OUT	Reporting instructions include primarily non-container applications such as auto air ducts and toys such as bats and balls.
PVC Molding		
Bottles	IN	
All Other Molding Uses	OUT	Reporting instructions include resins used in flexible molding

SPI-CRS Reporting Category	IN/OUT OF LIST	WHY NOT INCLUDED ON LIST
LDPE Injection Molding		
Lids	OUT	Not a packaging container in which a product is sold
Housewares	OUT	Not a packaging container in which a product is sold
Caps and Closures	OUT	Not a packaging container in which a product is sold
Toys/Novelties/Sporting Goods	OUT	Not a packaging container in which a product is sold
Medical	OUT	Not "normally used to store a product for 7 days or longer and therefore does not include deli trays or fast food packaging"
Containers	OUT	Sales data reported under LDPE Other Injection Molding
Other Injection Molding	OUT	Reporting instructions include applications such as component parts of appliances and lawn & garden products
LDPE Blow Molding		
Bottles	IN	
Other Blow Molding	OUT	Reporting instructions include large gas tanks, toys, novelties and recreational items

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SPI-CRS Reporting Category	IN/OUT OF LIST	WHY NOT INCLUDED ON LIST
LLDPE Injection Molding		
Lids	OUT	Not a packaging container in which a product is sold
Housewares	OUT	Not a packaging container in which a product is sold
Caps and Closures	OUT	Not a packaging container in which a product is sold
Toys/Novelties/Sporting Goods	OUT	Not a packaging container in which a product is sold
Medical	OUT	Not "normally used to store a product for 7 days or longer and therefore does not include deli trays or fast food packaging"
Containers	OUT	Sales data reported under LDPE Injection Molding Containers
Other Injection Molding	OUT	Reporting instructions include applications such as component parts of appliances and lawn & garden products
LLDPE Blow Molding		
Bottles	OUT	Sales data reported under LDPE Blow Molding Bottles
Other Blow Molding	OUT	Sales data reported under LDPE Other Blow Molding

SPI-CRS Reporting Category	IN/OUT OF LIST	WHY NOT INCLUDED ON LIST
PP Injection Molding		
Appliances	OUT	Not a packaging container in which a product is sold
Consumer Products	OUT	Not a packaging container in which a product is sold
Rigid Packaging - Cups and Containers	OUT	Reporting instructions include resealable and non-resealable yogurt containers and deli tubs/containers
Rigid Packaging - Caps and Closures	OUT	Not a packaging container in which a product is sold
Rigid Packaging - Other Rigid Packaging	OUT	Reporting instructions include video cassette boxes, pallets, and other non-container applications.
Transportation - Battery Cases	OUT	Not a packaging container in which a product is sold
Transportation - All Other Transportation	OUT	Not a packaging container in which a product is sold
All Other Injection Molding	OUT	Reporting instructions include computer and business machines, pipe fittings, and textile cones
PP Blow Molding		
Containers	IN	
All Other Blow Molding	OUT	Reporting instructions include ducts, toys, and coolers

SPI-CRS Reporting Category	IN/OUT OF LIST	WHY NOT INCLUDED ON LIST
PS End-Uses: Packaging and One-Time Use		
Rigid (Non-Foam) Packaging	IN	NOTE: this category includes non-RPPCs, but is included to be generally representative of PS.
Rigid (Foam) Packaging	OUT	Reporting instructions include primarily non-RPPC applications such as meat trays and fast-food cups.
Food Service	OUT	Not "normally used to store a product for 7 days or longer and therefore does not include deli trays or fast food packaging"
Other Packaging	OUT	Reporting instructions include non-RPPC applications such as labels, liners, paper coatings, etc.

ATTACHMENT 3



Pete Wilson
Governor

James M. Strock
Secretary for
Environmental
Protection

June 13, 1997

Dear Interested Party:

The Board is making progress in its efforts to calculate the 1996 RPPC all-container recycling rate. This letter is intended to update you on the work that is being conducted to determine the numerator and denominator. We would also appreciate your review of the attached national resin sales categories. This information which will be used to calculate the denominator.

The Board is currently negotiating an agreement with the Department of Conservation (DOC) for the DOC to conduct a survey of processors. The processor survey would be used to determine the amount of RPPC recycled in California in 1996. DOC is currently evaluating the agreement. In the event that DOC elects not to conduct the survey, the Board will use the extrapolation method discussed at the Board meeting in April to calculate the numerator. (The extrapolation method uses information from last years survey of private recyclers and municipalities combined with DOC's PETE information.)

The Board's consultant, Cascadia Consulting Group, has been working to assess and identify categories of national resin sales that can be used to calculate the denominator. The results of Cascadia's evaluation are presented in Attachment 1. The Cascadia evaluation of national resin categories should be considered a draft report to Board staff and used for discussion purposes only.

We are requesting that you review the information presented in the Attachment and provide comments to Steve Storelli by June 27, 1997. Your review will assist staff and Cascadia to more accurately select the national resin sales categories which represent RPPC manufacture and use.

Staff will update the Local Assistance and Planning Committee at their July 16, 1997, meeting. At that meeting, staff will present the outcome of the DOC/CIWMB proposal to survey processors and update committee members on the progress to determine the denominator.

If you have any questions, please call me at (916) 255-2426.

Sincerely,

O/S
Carole Brow
Secondary Materials Assistance Branch

Attachment

cc: Steve Storelli



California
Environmental
Protection
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July 97