

## **CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

### **Resolution 98-34**

#### **IMPOSITION OF AN ADMINISTRATIVE CIVIL PENALTY ON THE CITY OF GUADALUPE FOR FAILURE TO FILE AN ADEQUATE SOURCE REDUCTION AND RECYCLING ELEMENT (PUBLIC RESOURCES CODE SECTION 41813)**

**WHEREAS**, Public Resources Code (PRC) section 41791.5(a)(3) provides that jurisdictions within Counties which had 15 or more years of remaining disposal site capacity in 1990 were required to submit their Source Reduction and Recycling Elements (SRRE) to the California Integrated Waste Management Board (CIWMB) by December 31, 1994; and,

**WHEREAS**, the city of Guadalupe is within the County of Santa Barbara, which had 15 or more years of remaining disposal site capacity in 1990, but failed to submit its final and complete SRRE to the CIWMB by that date; and,

**WHEREAS**, the city submitted a compliance schedule to the CIWMB which provided that it would submit a final and complete SRRE by July 1, 1997, but the city failed to do so; and,

**WHEREAS**, PRC 41812 provides that if the Board determines that a jurisdiction has failed to submit an adequate element, the Board shall conduct a public hearing for the purposes of hearing testimony on the element and the deficiencies identified by the Board; and the CIWMB held such a public hearing on January 29, 1998; and,

**WHEREAS**, PRC 41813(a) provides that after conducting a public hearing pursuant to Section 41812, the board may impose administrative civil penalties of not more than ten thousand dollars (\$10,000) per day on any city or county, or, pursuant to Section 40974, on any city or county as a member of a regional agency, which fails to submit an adequate element or plan in accordance with the requirements of this Chapter; and,

**WHEREAS**, the city of Guadalupe has indicated that it will need an additional month to complete its final SRRE for submission to the Board for review and approval.

**NOW, THEREFORE, BE IT RESOLVED** that after consideration of the record, and all of the information presented at the public hearing, the CIWMB has determined that it would be appropriate to impose an administrative civil penalty on the city of Guadalupe for its failure to file an adequate and complete SRRE in a timely manner. Based upon Board staff analysis, that penalty is to be in the amount of \$7,200 as of January 29, 1998. Furthermore, the CIWMB stays \$5,000 of that penalty for 30 days. At the end of 30 days, if the SRRE package is complete, as determined by the Deputy Director, the \$5,000 will be forgiven, and the total penalty will be \$2,200. In the event that the SRRE package is not complete within 30 days, as determined by

the Deputy Director, starting on March 3, 1998, an additional penalty will be assessed at the rate of \$617 per day until the SRRE package is complete, as determined by the Deputy Director. No additional penalty will accrue during the 30 day period.

### **CERTIFICATION**

The undersigned Executive Director, or his designee, 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 January 29, 1998.

Dated:

Ralph E. Chandler

Executive Director