

TO: TOWN COUNCIL
FROM: TOWN MANAGER 
RE: CONSENT ITEM
CAL RECYCLE AB 939 COMPLIANCE REPORT

ISSUE

The State Department of Resources Recycling and Recovery prepares reports on jurisdiction compliance with State mandated waste diversion goals.

RECOMMENDATION

Receive and file report.

CEQA

There are no CEQA issues at present.

MONEY

Town costs are unknown and would depend on what the Town needs to do in the future to remain in compliance. There is \$145,227 as of 1/31/11 in the AB 939 Fund to assist in that endeavor. That Fund receives revenue of about \$13,000 per year based on fees imposed on Loomis citizens and businesses that have refuse service.

DISCUSSION

Pursuant to State law the Town is required to comply with myriad refuse diversion requirements in order to limit that amount of refuse going into landfills. Cal Recycle has prepared the latest report and indicates that Loomis is in compliance. They also indicate that the Town should continue to work with Cal Recycle staff to maintain compliance through implementation of current and new programs.

**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

February 14, 2011

Matt Lopez,
Town of Loomis
3665 Taylor Road
Loomis, CA 95650

Dear Matt Lopez,

We are writing regarding the status of CalRecycle's review of whether the Town of Loomis (Town) is in compliance with meeting AB 939 requirements. Public Resources Code (PRC) Section 41825 specifies a schedule for this review and requires CalRecycle to make a finding of whether each jurisdiction was in compliance with PRC Section 41780 during the review period. The 2007/08/09 Jurisdiction Review, which is being finalized, is CalRecycle's independent evaluation of each jurisdiction's progress in implementing its Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE) programs and in meeting the AB 939 diversion requirement. As a result of this review, CalRecycle may find that:

1. a jurisdiction is meeting the requirements of AB 939 because:
 - a. it has adequately implemented its diversion programs and has achieved the diversion requirement; or
 - b. while it has not achieved the diversion requirement, it has made a good faith effort to implement diversion programs; or
2. a jurisdiction 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.

Staff is recommending a finding that the Town is meeting the requirements of AB 939, and we anticipate this will be formally approved at CalRecycle's March 2011 monthly public meeting. However, we also want to bring to your attention our longer-term concern that the Town has no environmentally preferred or recycled-content purchasing program. Additional areas of engagement with CalRecycle staff should include Green Building Code diversion requirements; the impact of future statewide commercial facility recycling regulations; and further exploration of food waste diversion possibilities. Furthermore, the Town appears to have some waste misallocations in need of further investigation.

As the economy rebounds in the next few years, it is likely that businesses will produce more, consumers will buy more, and construction will increase. While this would be great news, we also expect more solid waste will be generated and discarded. As a result, not



addressing the program issues delineated in the previous paragraph could hinder the Town's ability to meet the AB 939 requirement in the next Jurisdiction Review cycle that will commence after receipt of the 2011 Annual Report.

We are bringing this to your attention as communities throughout California, including those currently meeting disposal reduction requirements, need to continue to develop and implement recycling and waste management programs to prepare for the larger waste stream that a growing economy and population will produce. To ensure the Town is poised to handle this anticipated increase in solid waste disposal, Kerry Wicker from CalRecycle's Local Assistance and Market Development Branch will contact you to discuss how we can work together to proactively address this issue. To complement that discussion, we have directed staff to conduct on-site reviews and monitor the Town's program implementation. This information will be used in the next Jurisdiction Review cycle.

In conclusion, we are pleased the Town is being recommended by CalRecycle staff as being considered to be in compliance with PRC Section 41780 as part of the 2007/08/09 Jurisdiction Review. At the same time, we are concerned about the future and want to work with you to ensure the continued success of the Town's overall diversion efforts. If you have any questions, please contact Kerry Wicker at (916) 341-6267.

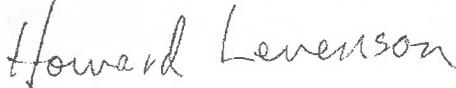
Sincerely,



Kenneth Yee
Manager, North Section



Cara Morgan
Chief, Local Assistance and Market Development Branch



Howard Levenson
Deputy Director, Materials Management and Local Assistance Division
Department of Resources Recycling and Recovery

Cc: Perry Beck, Loomis City Manager