

California Integrated Waste Management Board

Board Meeting

February 14, 2006

AGENDA ITEM 12 (Revised)

ITEM

Consideration Of Action For Noncompliance With Public Resources Code (PRC) Section 42921 (a) By: Atascadero State Hospital; California Department Of Mental Health; California Department Of Transportation, Headquarters; California Men's Colony; California Parks And Recreation, Angeles District; California Parks And Recreation, Monterey District; California Parks And Recreation, San Diego Coast District; California Rehabilitation Center (Prison); California Science Center; Calipatria State Prison; Department Of Corrections; Department Of Developmental Services; Department Of General Services, Procurement Division; Department Of Water Resources; Ironwood State Prison; Mesa College; Office Of Statewide Health Planning And Development; Patton State Hospital; Pelican Bay State Prison; Richard J. Donovan Correctional Facility; San Quentin State Prison; Southern Youth Correctional Reception Center And Clinic; State Compensation Insurance Fund; Ventura Youth Correctional Facility; 16th District Agricultural Association; And 50th District Agricultural Association

I. ISSUE/PROBLEM STATEMENT

The California Integrated Waste Management Board's (Board), State Organization Facility Assistance Section (SOFA) has identified 403 reporting State agencies and large State facilities that are required to comply with the mandates of AB 75. Staff has identified ~~26~~ 17 out of the 403 reporting State agencies and large State facilities as being noncompliant. According to Public Resources Code (PRC) Section 42921 mandates that reporting State agencies and large State facilities must meet a 50 percent diversion goal by January 1, 2004. The 2004 annual report was due on April 1, 2005. Based on staff's analysis of the annual reports submitted by the State agencies and large State facilities identified in this agenda item, ~~26~~ 17 State agencies and large State facilities have not met the 50 percent waste diversion mandate.

II. ITEM HISTORY

AB 75 requires all State agencies and large State facilities to meet waste diversion goals of 25 percent by January 1, 2002 and 50 percent by January 1, 2004. To disclose how these goals are being obtained, the law requires the submittal of an annual report each year by April 1st denoting the progress made toward achieving the goals. Agenda Item 7 (Consideration of Action for Noncompliance of PRC 4) a similar agenda item was presented at the Board Meeting held on April 13-14, 2004.

Board staff has contacted each of the identified State agencies and large State facilities recycling coordinator (RC) on numerous occasions offering assistance on completing the annual report and/or requirements. Although a majority of State agencies and facilities have been cooperative, staff has encountered some difficulties which included: department being nonresponsive, turnover of departmental staff, and departments not able to substantiate data due to lack of documentation.

Based on staff's analysis of the annual reports submitted by the State agencies and facilities identified in this agenda item, ~~26~~ 17 State agencies and facilities have not met the 50 percent mandate.

III. OPTIONS FOR THE BOARD

The Board may:

1. Direct Board staff to develop a letter to the legislature signed by the Board's Chair reporting the State agencies and facilities identified in this agenda item that are not in compliance with the 50 percent diversion mandate.
2. Direct Board staff to continue to assist the state agencies and facilities to help them achieve the 50% diversion mandate.
3. Direct Board staff to request each state agency or facility submit an explanation of how they plan to meet the 50% diversion mandate.
4. Take no action at this time and provide staff with further direction.

IV. STAFF RECOMMENDATION

Staff recommends that the Board approve Options 1, 2 and 3.

V. ANALYSIS

A. Key Issues and Findings

Background

PRC Section 42921 requires State agencies and large State facilities to meet the waste diversion mandate of 50 percent by January 1, 2004. Based on PRC Section 42921 the ~~26~~ 17 State agencies and large State facilities identified in this item are not in compliance with the 50 percent diversion mandate.

To disclose how this mandate is being met, the law requires State agencies and large State facilities to submit an Integrated Waste Management Annual Report to the Board by April 1st of each year beginning 2002.

To assist State agencies and large State facilities in submitting the annual reports the SOFA section in 2002 developed an electronic reporting system called the State Organization and Agency Recycling Database (SOARD) system. This system allows all 403 State agencies and large State facilities to streamline the process by submitting an electronic annual report quickly and easily. To date all 403 State agencies and large State facilities have used this electronic reporting system to comply with the requirements of the PRC Section 42926. The SOARD system tracks all diversion opportunities within 6 major diversion program categories. The diversion programs range from source reduction, recycling, composting, special waste, facility recovery and transformation. The SOARD system automatically calculates the overall waste diversion percentage once the diversion programs, tons associated with the diversion programs, and total tons disposed are entered into the system by the department.

Basis for staff's analysis

Staff has been in contact with the State agencies and large State facilities as to why they have not met the 50 percent waste diversion mandate. Some of the statements

given to staff by the State agencies and large State facilities include: documentation not available; turnover of departmental staff; cannot substantiate data due to lack of documentation and diversion programs not implemented fully.

Findings

Board staff has determined that the ~~26~~ 17 State agencies and large State facilities have not met the necessary requirements to be in compliance with the AB 75 waste diversion mandate of 50 percent.

The findings were based on staff's analysis of the annual report, site visits conducted by staff, and statements received from the State agencies and large State facilities.

Did Not Meet 50% Waste Diversion Mandate for 2004

~~Atascadero State Hospital~~
California Department of Mental Health
California Department of Transportation, Headquarters
California Men's Colony
California Parks & Recreation, Angeles District
California Parks & Recreation, Monterey District
California Parks & Recreation, San Diego Coast District
California Rehabilitation Center (prison)
California Science Center
~~Calipatria State Prison~~
~~Department of Corrections~~
Department of Developmental Services
Department of General Services, Procurement Division
~~Department of Water Resources~~
~~Ironwood State Prison~~
Mesa College
Office of Statewide Health Planning & Development
Patton State Hospital
Pelican Bay State Prison
Richard J. Donovan Correctional Facility
~~San Quentin State Prison~~
~~Southern Youth Correctional Reception Center & Clinic~~
State Compensation Insurance Fund
~~Ventura Youth Correctional Facility~~
16th District Agricultural Association
~~50th District Agricultural Association~~

Additional details regarding each of the State agencies and large State facilities situation is reflected in Attachment 1. Attachment 1 contains such information as the overall diversion rate, total generation, total tons diverted and a condensed statement from the State agencies and large State facilities as why they did not meet the 50 percent waste diversion mandate.

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts

If clear direction or action is not taken, additional agencies and facilities may follow the example set by these noncompliant State agencies and facilities and not submit the required annual reports and documentation in the future.

D. Stakeholder Impacts

The specific impacts of this agenda item on the State agencies and facilities identified in this agenda item are not known at this time. It will be dependent on the actions of the Board and the Legislature.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

This item represents the process for reporting achievement with the requirements of Public Resources Code (PRC) Section 42921. The current statute does not provide any clear direction as to the Legislature's intent should an agency or facility not comply with the mandate. Additionally, the PRC is silent on the Board's authority for enforcement action against any agency or facility that is not compliant or has misreported to the Board.

G. Environmental Justice

Staff is not aware of any environmental justice issue related to this item.

H. 2001 Strategic Plan

This item supports Strategic Plan Goal 2, Objective 3- Support local jurisdictions' ability to reach and maintain California's waste diversion mandates.

Strategy C- Facilitate cooperation efforts among State, local and private entities to lower cost of diversion and increase benefit to local jurisdictions.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Additional Analysis of State Agencies Noncompliant with AB 75
2. Resolution Number 2006-20

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Dorothy Woody	Phone: (916) 341-6257
B. Legal Staff: Elliot Block	Phone: (916) 341-6080
C. Administration Staff: N/A	Phone: N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Board staff received no written support at the time this agenda item was prepared.

B. Opposition

Board staff received no written opposition at the time this agenda item was prepared.