



Overview of the CalRecycle
January 10, 2017, memo on
AB 341 and AB 1826 Enforcement

Memo: Reviews of Jurisdiction Mandatory Commercial Recycling and Commercial Organics Recycling Programs

- **Statewide** disposal has continued to **increase** since 2012
- CalRecycle will exercise its existing statutory authority to formally review jurisdictions' mandatory commercial recycling (**AB 341**) and mandatory commercial organics recycling programs (**AB 1826**) more frequently, as needed, including outside of and in addition to the regular review cycle
- “Specifically, CalRecycle will initiate a review and may refer jurisdiction to enforcement **at any time that CalRecycle receives information** that a jurisdiction has not implemented, or is not making a good faith effort to implement, its required programs”

Reviews and Penalties

If program gaps are not addressed and jurisdiction has not implemented/made good faith efforts to implement either program, CalRecycle will initiate a formal public review **sooner** instead of waiting until end of regular 4-year review cycle.

CalRecycle will notify jurisdiction that a **Letter of Concern** is coming, with 30 days to respond from the date of receipt.

Upon receipt of jurisdiction's response, agenda item will be presented at the monthly public meeting, recommending:

- Jurisdiction **failed to respond** or response was **inadequate**, and the jurisdiction will be referred to enforcement unit for consideration of a **compliance order**
- Jurisdiction's response is **adequate** and the jurisdiction will be **assessed again in 12 months**. If the next year the same gaps persist, an agenda item will be placed to refer the jurisdiction to the enforcement unit for consideration of a compliance order

Existing Requirements

- **AB 341**: source reduce, recycle, or compost 75% waste by 2020
- **AB 1826**: reduce organics disposal by 50% by 2020 (2014 baseline)
- Jurisdictions' programs must include “education of, outreach to, and monitoring of, businesses”
- CalRecycle can issue up to **\$10,000 in civil penalties/day** for failure to maintain the allowable per capita disposal rate or failure to implement requirements of AB 939, AB 341, and AB 1826
- AB 341 and AB 1826 authorize CalRecycle to conduct reviews of jurisdictions' mandatory commercial recycling programs and mandatory commercial organics recycling programs **at any time**

Concerns with “At Any Time” Memo

- CalRecycle can review the County at any time without proper evidence of non-compliance (anonymous tip)
 - **Risk of unsubstantiated claims from outside parties**
 - **Constant threat of public review and compliance orders**
- Places cost of implementation and requirement for enforcement solely upon the County (jurisdictions)
 - County’s perceived non-compliance = \$10,000/day penalties

Feedback

- CalRecycle will be hosting SB 1383 Stakeholder Workshop
 - February 16, 2017 from 9:00AM – 5:00 PM in Diamond Bar
 - Will be discussing informal stakeholder feedback on regulations related to SB 1838 (Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions)
 - Visit the following link for more information:
<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=1991&aiid=1815>