California Integrated Waste Management Board

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September 19, 2003

Mr. Enrique Medina Ochoa
City of Arvin
200 Campus Drive, P.O. Box 548
Arvin, CA 93203

RE: Follow-Up on Information Requested During September 18, 2003 Conference Call

Dear Mr. Ochoa:

This letter is to follow up on information requested by California Integrated Waste Management Board (Board) staff during our September 18, 2003, conference call with you and Mr. Luis Ippolito. During our conference call, we discussed the Board's September 5, 2003 letter to you, outlining the concerns we have regarding program implementation related to the City's current SB 1066 Time Extension as well as the City's "revised" SB 1066 application. As mentioned, the revised SB 1066 application submitted to the Board does not appear to sufficiently identify and justify additional program implementation to meet the 50 percent diversion goal.

We are requesting additional information be provided to Board staff so that we may assist the City to develop an acceptable revised SB 1066 application, which we would take before the Board for consideration at its November 18-19, 2003, Board meeting. Specifically, Board staff are requesting the following:

1. Additional information related to the City's proposed plan to "take over the responsibility of collecting refuse and recyclables from the residential and commercial sector on or around January 1, 2004." Staff need the following: 1) a detailed timeline; 2) specific information as to how this will take place; 3) identification of solid waste collection and diversion programs that will be implemented by the City, including what is currently offered that will be dropped by the City; and 4) the contingencies that are proposed if the City is not able to take over refuse and recycling collection.

2. Additional information on the funding source(s) for the proposed diversion programs, including the mixed waste processing program and how the gate fees will pay for this program.

3. If programs that are currently being implemented, or included in the current SB 1066, are proposed to be dropped, then we request additional explanation as to why the existing programs are not sufficient to meet the diversion requirements, and why the City is proposing to drop these programs. For example, there is not an explanation in the application as to why the C&D ordinance is being dropped in the revised application. City staff need to provide justification if this program is being dropped. It is also unclear in the revised application as to whether the street sweeping program, residential curbside program, and the school education are being continued or not; the City needs to clarify this. If the City is proposing to drop these programs, the City needs to explain why these programs are not necessary and what will be put in their place.

4. For all of the diversion programs that the City will implement/continue to implement, an estimation of the diversion percentage points achieved/to be achieved through these programs should be included. As we discussed in our conference call, the diversion percentages should be based on the City's 2000 estimated generation rate of 11,989 tons. Therefore, each percentage point of diversion should equate to approximately 120 tons of material being diverted. This estimation of diversion will enable us to determine what level of implementation is necessary to meet the 50% goal and to assist the City in developing an acceptable revised application.

5. The application states that there will be a "stagnant period" where no new programs will be implemented. CIWMB staff needs clarification as to what this actually means. If the City is proposing to drop existing programs prior to implementing new programs, the City will need to provide sufficient justification to the CIWMB. Without justification and resolution of these program implementation issues, the City should be aware that the Board will have to consider whether the City is making a good faith effort or not. If the City is found not to be making a good faith effort to implement their programs, the City could be issued a compliance order that could result in fines of up to $10,000 per day.

We are requesting this information be submitted to us by **September 29, 2003**, in order to allow the time necessary to work with the City to prepare an acceptable revised application and meet the November 18-19, 2003 agenda item submittal deadlines. If the City is unable to provide the requested information and we are unable to take a revised SB 1066 application for Board consideration in November, the City will be evaluated based on implementation of programs identified in its current SB 1066. Based on that evaluation, Board staff may present its findings at the December 16-17, 2003 Board meeting.

Again, I am encouraged that we can work together to address the City's proposed changes in program implementation. If you have any questions about this letter, please contact me at (916) 341-6271.

Sincerely,

Nikki Mizwinski
Office of Local Assistance

Tabetha Willmon,
Central Section Supervisor
Office of Local Assistance