Attachment #7

Cal/EPA

California
Environmental
Protection
Agency

*Integrated
Waste
Management
Board*

*8800 Cal Center Drive
Sacramento, CA 95826
(916) 255-2200*

Pete Wilson
Governor

James M. Strock
*Secretary for
Environmental
Protection*

NOTICE OF PUBLIC HEARING TO CONSIDER IMPOSITION OF ADMINISTRATIVE CIVIL PENALTIES

in the matter of

THE CITY/COUNTY OF *

The California Integrated Waste Management Board ("CIWMB") has scheduled a public hearing, in accordance with Public Resources Code Section 41813 (copy attached), in order to determine whether or not to impose administrative civil penalties against the city/county of *, for failure to submit an adequate SRRE/NDFE in accordance with the requirements of the Integrated Waste Management Act (Public Resources Code Section 40000 et seq.).

The hearing will be held as follows:

DATE:

TIME:

PLACE: Board Room, First Floor
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

At the hearing, the Board's staff, the City/County, and other interested persons will be given an opportunity to present evidence concerning this subject matter. The City/County may, but need not, be represented by counsel. If possible, written information to be presented to the Board at the hearing should be furnished to the CIWMB by * (10 days before the hearing) in order to allow the Board adequate time for review.

Attached is a copy of the procedure to be used for the conduct of this hearing. Also, attached is a summary of the staff report to be presented at the hearing.

If there are any questions about the hearing facility, please contact Patti Bertram at (916) 255-2156. Any documents to be submitted should be sent to Ms. Bertram's attention at the Board's address.

Ralph E. Chandler
Executive Director

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Recycled Paper

PUBLIC RESOURCES CODE

41813. (a) 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.

(b) The board shall not impose any penalty against a city or county pursuant to this section if the city or county is in substantial compliance with this part and if those aspects of a plan or element of a plan submitted by a city, county, or regional agency which is not in compliance with this part do not directly or substantially affect achievement of the diversion requirements of Section 41780.

(c) In determining whether a city, county, or regional agency is in substantial compliance, the board shall consider whether the city, county, or regional agency has made a good faith effort to implement all reasonable and feasible measures to comply.

(d) The board shall not use the money collected from the penalties imposed pursuant to subdivision (a) for administrative purposes. The board shall use the money collected from the penalties imposed pursuant to subdivision (a), to the extent possible, to assist local governments in meeting the requirements of this part.

CIWMB HEARING PROCEDURE
PUBLIC HEARINGS TO BE HELD IN ACCORDANCE WITH PUBLIC RESOURCES CODE SECTION 41813

1. CALL TO ORDER AND ANNOUNCE PURPOSE OF HEARING

2. SWEARING IN OF WITNESSES - OATH

3. BOARD STAFF PRESENTATION REGARDING NON-COMPLIANCE AND RECOMMENDATIONS

A. BOARD LEGAL COUNSEL DESCRIPTION OF LEGAL FRAMEWORK FOR HEARING

RELEVANT STATUTES AND REGULATIONS
REVIEW OF HEARING PROCEDURES
ISSUES TO BE DECIDED

B. DIVERSION PLANNING AND LOCAL ASSISTANCE STAFF PRESENTATION (INCLUDING SUBMISSION OF DOCUMENTS INTO THE ADMINISTRATIVE RECORD)

ELEMENT DUE DATE
STATUS OF SUBMITTALS, IF ANY
COMPLIANCE SCHEDULE
DESCRIPTION OF COMPLIANCE ACTIVITIES
ANALYSIS OF CRITERIA AND PENALTY RECOMMENDATION
QUESTIONS BY BOARD MEMBERS

4. PRESENTATION BY JURISDICTION

RESPONSE TO STAFF PRESENTATION
SUBMISSION OF DOCUMENTS, IF ANY
QUESTIONS BY BOARD MEMBERS

5. BOARD DELIBERATIONS IN CLOSED SESSION

6. ANNOUNCEMENT OF BOARD DECISION

7. ISSUANCE OF ORDER WITHIN 30 DAYS

DESCRIPTION OF NON-COMPLIANCE

JURISDICTION:	City/County of *
INADEQUATE ELEMENTS:	Failure to file SRRE/NDFE
STATUTORY DUE DATE:	April 30/August 31/December 31, 1994
CHRONOLOGY:	[Dates and descriptions of letters, meetings, telephone contacts, or other relevant communications from CIWMB]
COMPLIANCE SCHEDULE:	[Description of submitted compliance schedule, if any, and the milestones not met]
JURISDICTION'S EXPLANATION:	[Brief description of any reasons that the jurisdiction has provided to explain its failure to comply]
RECOMMENDATION:	[Staff recommendations regarding schedule and penalties]