

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2006-213

Consideration Of Options For State Agencies And Facility That Did Not Comply With Public Resources Code (PRC) Section 42921 In Consecutive Years

WHEREAS, AB 75 (Strom-Martin, 1999) mandates that reporting State agencies and large State facilities must meet a 50 percent diversion goal by January 1, 2004, and

WHEREAS, The law does not include penalties for an agency or facility that does not comply, and

WHEREAS, the law does not include an option for the CIWMB to find an agency or facility has made a “good faith effort” in implementing diversion programs and complying with the diversion mandates, and

WHEREAS, the law does not address the issue that the CIWMB is now facing which is when State agencies and facilities have not met the 50 percent diversion requirement in two (2) consecutive years, and

WHEREAS the CIWMB has determined that the existing statute is silent with regards to any specific direction the CIWMB should take with regards to noncompliance with PRC Section 42921.

NOW, THEREFORE, BE IT RESOLVED that the CWIMB adopts a procedure that the following be considered on a case-by-case allowing the CIWMB Members and/or Executive Director the best means of publicizing the noncompliance of agencies and/or facilities with the mandates of Public Resources Code Section 42921.

- Development of a State agency and large State facility webpage showing those agencies and facilities not in compliance with the mandates and the year(s) of noncompliance.
- Public Affairs Office notifies the media with regards to noncompliance with the diversion mandates. This notification would be developed to maximize and target the communications with local media where the agency/facility is located.
- Directs the Board’s leadership to meet with leaders of noncompliant state agencies and facilities.

(over)

- Continue with the practices implemented in past Board decisions including:
 - a. Develop a letter to the legislature signed by the Board’s Chair reporting the

State agencies and facilities identified as not in compliance with the 50 percent diversion mandate.

- b. Assist the state agencies and facilities to help them achieve the 50% diversion mandate.
- c. Request each facility submits an explanation of how they plan to meet the 50% diversion mandate.

NOW, BE IT FURTHER RESOLVED that the Board directs staff to bring forward the approved options for Board consideration in future agenda items based upon a case-by-case evaluation.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on November 15, 2006.

Dated: November 15, 2006

Mark Leary
Executive Director