

## DELEGATION ORDER DELEGATION OF AUTHORITY

I, Rachel Machi Wagoner, am the Director of the Department of Resources Recycling and Recovery (CalRecycle). As Director of CalRecycle, I am empowered to take and approve a number of actions.

As further detailed below, I hereby delegate the identified decisions to the staff holding the specified CalRecycle positions. For each delegation, the supervisor of the person designated is authorized to take the specified action as well. Nothing in this delegation eliminates the need for any of these decisions to be reviewed and approved by the appropriate control agencies as may be required (Department of General Services, State Controller's Office, etc.).

The Chief Deputy Director may take any actions that I am authorized to take.

With regard to **Procurement, Contracts, Grants, Payment Programs and Loans**, the Deputy Director for the Administration, Finance & Information Technology Services Division, the Chief Financial Officer, or Chief Administrative Officer may take action on the following:

- Execute all necessary agreements
- Approve or deny payment plan proposals

The Assistant Directors and the Deputy Directors for the appropriate Department Offices and Divisions may take action on the following, in consultation with the Legal Office:

- Scope of Work (SOW)
- Reallocations of Contract Funding Within the Division or Office
- Grant Criteria/Scoring Process
- Appeals of Criteria
- Grant Policy Decisions
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The Branch Chief of the Branch administering a particular Contract may take action on the following:

- At his or her sole discretion, refuse to provide funds to pay for unapproved work or costs, for any Contract where the contractor fails to obtain prior written approval for any changes or modifications to the Work Plan, Work Order approved project or the Budget prior to performing the changed work or incurring the changed cost.

The Branch Chief of the Financial Resources Management Branch may take action on the following:

- After consultation with the Legal Office, approve exceptions during the grant term for program eligibility, costs incurred/Budget, and Work Plan
  - This includes situations when the grantee fails to obtain prior written approval for changes or modifications to the Work Plan/Budget
- Appeals for Grant Eligibility Disqualification
- Appeals for Used Oil Claim Denials

With regard to **The Five-Year Tire Plan**, the Deputy Directors for the Waste Permitting, Compliance & Mitigation Division and the Material Management & Local Assistance Division may jointly take action on the following:

- Revisions to the Five-Year Tire Plan
- Approval of Tire Fund Re-Allocations

With regard to **Solid Waste and Waste Tire Permitting and Registration and Local Enforcement Agency Support (LEA or EA)**, the Deputy Director for the Waste Permitting, Compliance & Mitigation Division may take action on the following:

- Issuance of a Waste Tire Hauler Registration

The Branch Chief for the Permitting & Assistance Branch may take action on the following:

- New and Revised Solid Waste Facilities Permits
- Temporary Permits
- CEQA adoption or Certification, CEQA findings as lead and responsible agency for new and revised Solid Waste Facility Permits
- EA new, revised and standardized permits

The Branch Chief for the Permitting & Assistance Branch may take action on the following:

- Modified Solid Waste Facilities Permits
- CEQA adoption or Certification, CEQA findings as lead and responsible agency for Waste Tire Facility Permits and Modified Solid waste Facility Permits
- EA Registration permit
- EA Modified permit
- Issuance or Denial of Minor and Major Waste Tire Facility Permits
- Rejection of Minor and Major Waste Tire Facility Permit Applications
- Local Enforcement Agency (LEA) Asbestos Program Authorizations
- Research Demonstration & Development (RD&D) Permits
- Review all EA emergency waiver of standards approvals
- Condition, Limit, Suspend, or Terminate Emergency Waiver of Standards Due to Public Health and Safety, or Environment
- Condition, Limit, Suspend, or Terminate Emergency Waiver of Standards Due to Non-use of Identified Waste Diversion Programs
- Report on emergency waiver of standards

- RCRA Subtitle D Regulation of Closure Alternatives
- Less than 20 tons/day Municipal Solid Waste Landfill alternatives (including cover and gas)
- Alternative Daily Cover Demonstration Projects and Final Report Approvals
- Approve Disposal of Waste Tires at Solid Waste Facilities pursuant to 14 CCR 17355
- Determinations under 14 CCR 17346(f) regarding beneficial use of tires
  
- Financial Assurance and Operating Liability Mechanisms Approvals, Release Approvals, and Disbursement Approvals, with the exception of the following for which the Deputy Director for the Waste Permitting, Compliance, and Mitigation Division may take action in consultation with the Director:
  - Those mechanisms listed below for Financial assurance mechanisms for permitted solid waste landfills
    - Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 6.
      - CalRecycle 104 Letter from the Chief Financial Officer Financial Means Test for Postclosure Maintenance and/or Operating Liability
      - CalRecycle 105 Guarantee
      - CalRecycle 112 Letter From the Chief Financial Officer Means Test for Postclosure Maintenance and/or Operating Liability
      - CalRecycle 113 Guarantee for Postclosure Maintenance and/or Corrective Action
      - 22254. State Approved Mechanism
  - Those mechanisms listed below for Financial assurance requirements for closure and operating liability of permitted waste tire facilities
    - Title 14, California Code of Regulations, Division 7, Chapter 6, Articles 9 and 10.
      - CalRecycle 149: Instructions for the Letter from the Chief Financial Officer Financial Means Test for Liability
      - CalRecycle 150: Corporate Guarantee
      - 18478.5. and 18494.5. State Approved Mechanism
  
- Authorize, sign and issue Administrative Notices and Orders, Corrective Action, or Other Compliance and Enforcement Actions

With regard to **Waste Evaluation and Enforcement**, the Deputy Director for the Waste Permitting, Compliance & Mitigation Division may take action on the following:

- Review of Jurisdiction compliance with Source Reduction and Recycling Element (SRRE), Mandatory Commercial Recycling (MCR), Mandatory Organics Recycling (MORe), and Short – Lived Climate Pollutants (SLCP, Senate Bill 1383) requirements.
- Place jurisdiction on compliance order
- Modifications to jurisdiction compliance order
- Jurisdiction penalty hearing
- State agency non-compliance notification
- Rigid plastic packaging container penalties
- Stipulated agreements on tire cases, rigid plastic packaging containers, extended producer responsibility
- Hearing on LEA failure to take enforcement action at a site
- LEA decertification for failure to perform

- Compliance with PRC 50001
- Condition, Limit, Suspend, or Terminate Stipulated Agreement Orders Due to Public Health and Safety, or Environment
- In consultation with the legal office, authorize, sign settlement agreements for RPPC, Solid Waste Facilities, EPR, and Tire programs that are under \$10,000.

The Branch Chief for the Waste Evaluation & Enforcement Branch may take action on the following:

- Completion of jurisdiction compliance order
- Plastic trash bag recycled content exemption requests
- Plastic trash bag compliant and noncompliant lists
- Newsprint certification penalties
- Waste Tire Enforcement, rigid plastic packaging containers, and extended producer responsibility streamlined penalties
- LEA certification and designation
- Approval of extension of LEA-issued compliance schedule final compliance date beyond two years
- Authorize, sign and issue Administrative Notices and Orders, Corrective Action, or Other Compliance and Enforcement Actions
- To revoke or suspend a waste tire permit
- To temporarily suspend a waste tire permit
- To deny an application for waste tire hauler registration

With regard to activities performed in jurisdictions where **CalRecycle is acting as the Enforcement Agency**, the Deputy Director for the Waste Permitting, Compliance & Mitigation Division may take action on the following:

- Landfill Gas Plans for inactive sites
- Landfill Gas Plan Extensions
- RCRA Subtitle D Regulation of Closure Alternatives
- Alternative Daily Cover Demonstration Projects and Final Report Approvals

The Branch Chief for the Waste Evaluation and Enforcement Branch may take action on the following:

- Authorize, sign and issue Administrative Notices and Orders, Corrective Action, or Other Compliance and Enforcement Actions
- Post-Closure Land Use Plans (where CalRecycle is the EA)
- Clean Closure for disposal sites.

For all disposal sites, with regard to reviewing engineering documents, transmitting Engineering Services Branch's finding/determinations for engineering document reviews, and updated

permits to reflect closure, the Branch Chief of the Engineering Services Branch may take action on the following:

- Closure and Post-Closure Maintenance Plans (including postclosure land uses except where CalRecycle is the EA for Postclosure land uses)
- Closure Certification Reports
- Clean Closures
- Corrective Action Plans and Cost Estimates
- Landfill Gas Plans (except where CalRecycle is the EA)
- Landfill Gas Plan Extensions (except where CalRecycle is the EA)
- Solid Waste Facilities Permit to Reflect Closure

With regard to **Disaster Response and Emergency Management**, the Deputy Director for the Office of Debris Recovery may take action on the following:

- Negotiate the terms of agreements with federal, state, local, or tribal entities for the obligation of funds, the allocation of staff resources, and related activities in response to proclaimed emergencies, in consultation with the Administration, Finance & Information Technology Services Division and the Legal Office.

With regard to **Clean-up and Closure**, the Deputy Director for the Waste Permitting, Compliance & Mitigation Division may take action on the following:

- CEQA Compliance for Solid Waste and Tire Cleanup Program's Department-managed Projects
- Solid Waste and Tire Cleanup Program's Department-Managed Projects
- Solid Waste and Tire Cleanup Program's Loans
- Legacy Disposal Site Abatement Partial Grants
- Illegal Disposal Site Abatement Grants
- Authorize, Sign and Issue Administrative Notices and Orders, Corrective Action, Other Enforcement and Compliance Actions
- Reallocations of Contract Funding between Cleanup and Consultant contracts

With regard to **Beverage Container Recycling**, the Assistant Director of the for the Division of Recycling may take action on the following:

- New and renewed recycling processing, dropoff and collection programs certification [Processor (PR), Recycling Center (RC), Curbside (CS), Drop-off and Collection Program (CP) and Community Service Program (SP)]
- Issuance of Requirement to Submit Net Cost Reports

The Assistant Director of the Division of Recycling may take action on the following:

- Notice to Beverage Manufacturer and Distributor (BM/DS) of California Redemption Value (CRV) and Processing Fee (PF) rate changes and updates
- Approval or denial of BM/DS to report and pay CRV and or PF annually instead of monthly

The Assistant Director of the Division of Recycling may take action on the following in consultation with legal:

- Deny payment of Quality Incentive Payments to recyclers based upon past history of noncompliance and/or enforcement action
- Approve submission of recommendations to the CalRecycle Legal Office and/or Beverage Container Recycling Certification & Registration Branch for revocation, termination and suspension of program certification/registration, based upon documented past history of noncompliance, prior enforcement and/or administrative action.
- Authorize, sign and issue notices to program participants regarding enforcement and compliance actions, including:
  - Approve submission of recommendations to the Beverage Container Recycling Program Certification & Registration Branch for extension of probationary status of program Certification/Registration which is further delegated to Recycling Program Enforcement Branch Supervisors.
  - Notices of Noncompliance and Notices of Violations (fines) for violations found during/as a result of investigations and/or
  - Approval or denial of Authorizations to Cancel
  - Notice to participants of Prepayment Controls Status

With regard to **Used Oil**, the Deputy Director for the Materials Management & Local Assistance Division may take action on the following:

- Cancel used oil center certification
- Deny used oil center certification
- Consider appeals of used oil incentive claim denials
- Impose penalty for used oil center reporting or fraud violations, with concurrence of Legal Division

With regard to the **RMDZ program**, the Deputy Director for the Materials Management & Local Assistance Division may take action on the following:

- RMDZ Zone Designations

With regard to the **Loans Unit**, the Deputy Director for the Materials Management & Local Assistance Division may take action on the following:

- Loan Awards upon consultation with the Director.
- Loan Modifications: nonroutine modifications, including without limitation, to lower the interest rate, extend the term beyond 10 years, or 15 years if there is real estate collateral, or release a guaranty

The Branch Chief for the Financial Resources Management Branch may take action on the following:

- Disposition of Collateral for Defaulted Loans

The Branch Chief for the Local Assistance & Market Development Branch may take action on the following:

- Zone Designation and Re-Designation Cycle (including Initiation and Approval of Cycles, Approval of Individual Designations/Re-Designations)

With regard to **Jurisdiction and State Agency Program/Plan Reviews**, the Deputy Director for the Materials Management & Local Assistance Division may take action on the following:

- Regional Agency Formations/Additions/Removals
- State Agency Biennial Review
- Biennial and Quadrennial Reviews for Source Reduction and Recycling Elements (SRREs) and Household Hazardous Waste Elements (HHWEs)
- Reviews of Jurisdiction compliance with Mandatory Commercial Recycling (MCR) and Mandatory Organics Recycling (MORe) requirements
- To approve a new petition, revise or revoke a Petition for Reduction in diversion requirements (18794.5), handled in conjunction with Biennial or Quadrennial reviews
- To revise or revoke Petition for Reduction in diversion requirements

The Deputy Director (for MMLA) may approve, deny, or revise the following:

- Extensions for Newly Incorporated Cities
- SRRE, HHWE Amendments
- 5-Year Reviews
- Countywide Integrated Waste Management Plans
- Countywide Siting Element Amendments
- Planning Document approvals for new cities or cities leaving a regional agency

With regard to the **E-Waste Program**, the Deputy Director for MMLA may take action on the following:

- Negotiation and authorization, after consultation with the Legal Office and the Chief Financial Officer, of stipulated/settlement agreements with various program participants regarding appeals of denied or adjusted recycling payment claims as long as the amount of adjustment is less than \$10,000
- Request Annual Net Cost Reports from Collectors and Recyclers
- Authorize, sign, and issue Notices of Violations and Accusations to impose administrative civil penalties

With regard to the E-Waste Program, the Supervisors may take action on the following:

- Approve recovery and recycling payments, whether in full or adjusted, that have examined for completeness and regulatory compliance and which are undisputed

With regard to **Initiating Informal or Formal Administrative Actions or Civil Litigation**, the Assistant and Deputy Directors for the appropriate Department Offices and Divisions and the Chief Counsel is authorized to:

- Sign and file Accusations or Statement of Issues, and amendments thereto, to commence an action for matters that have been referred by the applicable Assistant or Deputy Director.

With regard to **Informal Administrative Hearings**, Attorneys, at the direction of the Chief Counsel, are granted authority to conduct hearings and prepare final decisions for the following:

- Hear appeals taken from certification decisions
- To determine probable cause that a supermarket site has engaged in unfair and predatory pricing and to conduct informal hearings
- To conduct informal hearings regarding appeals of Enforcement Agency actions where the CalRecycle is the Enforcement Agency
- To conduct informal hearings to place a jurisdiction on a Compliance Order for failure to comply with the Diversion Requirements and to impose penalties on a jurisdiction for failure to implement a Compliance Order
- To conduct informal hearings to impose penalties for failure to comply with the Rigid Plastic Packaging Container Law
- To conduct informal hearings to impose penalties for failure to comply with the Newsprint Certification Law
- To conduct informal hearings to fully or partially decertify Local Enforcement Agencies
- To conduct informal hearings regarding Waste Tire Facilities and Waste Tire Haulers
- To conduct informal hearings to approve, revise or revoke a Petition for Reduction in Diversion Requirements
- To conduct informal hearings to approve or disapprove Countywide Integrated Waste Management Plans
- To conduct informal hearings on Biennial Reviews of Source Reduction and Recycling Elements and Household Hazardous Waste Elements
- To conduct informal hearings to Electronic Waste Appeals of Claim Adjustments and Revocations and imposition of penalties
- To conduct hearings for appeals pursuant to Public Resources Code section 45030
- To conduct hearings on LEA Decertifications
- To conduct hearings on Extended Producer Responsibility Programs
- To conduct hearings on SB 1383 and associated regulations

With regard to **Final Decisions made after Administrative Hearings conducted before the Office of Administrative Hearings**, authority is granted as follows:

With regard to **Issuance of Subpoenas and Promulgating Interrogatories** pursuant to Government Code sections 11181 and 11182, attorneys employed by CalRecycle, who are licensed to practice law, are authorized to issue subpoenas for the attendance of witnesses and the production of documents relating to any investigation, hearing or other inquiry with the jurisdiction of CalRecycle

With regard to **Regulations**, the Chief Counsel and the Assistant and Deputy Directors for the appropriate Department Offices and Divisions may:

- Sign the Form 400 for submission of proposed regulations for approval

The Chief Counsel, the Deputy Director for the Administration, Finance & Information Technology Services Division, and the Chief Financial Officer may:



- Sign the Form 399 for the Economic Analysis of proposed regulations
- Sign the Standardized Regulatory Impact Assessment (SRIA) for major regulations

With regard to **Administrative and Civil Litigation Settlements**, including settlements in lieu of commencing litigation and in consultation with the Director, the Assistant and Deputy Directors for the appropriate Department Offices and Divisions may negotiate and authorize stipulated/settlement agreements with various program participants for payment of restitution, civil penalties, and/or interest associated with Investigation or Inspection.

With regard to **Signature Authority** as follows:

The Deputy Director of Administration, Finance, and Information Technology Division, the Chief Financial Officer, and the Administrative Services Branch Chief may sign as appointing power for **State Controller's** documents.

The Deputy Director of Administration, Finance, and Information Technology Division, the Chief Financial Officer, and the Chief Accounting Officer, are authorized to sign as appointing power for **Accounting** documents.

The Deputy Director of Administration, Finance, and Information Technology Division, the Chief Financial Officer, the Chief Accounting Officer, the Accounts Payable Accounting Supervisor and General Ledger Accounting Supervisor are authorized to sign **Agency Checks**.

The Deputy Director of Administration, Finance, and Information Technology Division, and the Chief Budget Officer, are authorized to sign as appointing power for **Budget** documents.

The Deputy Director of Administration, Finance, and Information Technology Division, and the Personnel Officer, are authorized to sign as appointing power for **Personnel** documents.

The Deputy Director of Administration, Finance, and Information Technology Division, and the Chief Information Officer, are authorized to sign as appointing power for **IT** documents.

This delegation shall be effective until revoked in writing and supersedes any previous delegations for CalRecycle.

In witness of this delegation, I hereby affix my signature to this delegation order.

Originally signed by Rachel Machi Wagoner

Rachel Machi Wagoner, Director

\_\_\_\_\_ **Date**