

Countrywide Integrated  
Waste Management Plan  
(CIWMP) Enforcement Policy  
Part I:

Adequacy of CIWMP and  
Elements

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## Background for CIWMP Enforcement

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Part I addresses adequacy content requirements of an element and plan, regulatory and statutory requirements, the submittal process, the evaluation process by local assistance staff, the approval and disapproval process and proposed methods to correct deficiencies. CalRecycle has statutory requirements under Public Resources Code (PRC) section [41813](#) to enforce the provisions of AB 939 if a local jurisdiction fails to submit an adequate element or plan. Administrative civil penalties of up to \$10,000 per day may be imposed on local jurisdictions until the element or plan is submitted to CalRecycle and is deemed adequate or until the element or plan is implemented. Part I does not address the process and procedures CalRecycle will take against local jurisdictions who fail to implement an element or plan, or a CalRecycle-recommended process for dispute resolution. That discussion will be provided in Part II: [“Failure to Implement a SRRE and HWWE.”](#)

The purpose of Part I of the report is to develop a process and procedure which explains the analysis and criteria proposed to be used by staff that will determine an adequate or inadequate element or plan. This report includes a discussion of the following:

1. Statutory and regulatory requirements.
2. What is considered an adequate plan or element.
3. What is considered an inadequate plan or element.
4. How CalRecycle decides adequacy or inadequacy.
5. What are the ramifications of an inadequate plan or element.
6. What is the basis for any enforcement action for an inadequate plan or element.
7. What is the responsibility of a local jurisdiction who has an inadequate plan or element.
8. What is the mechanism for Notice of Approval or Deficiency by CalRecycle.
9. What are the alternatives for local jurisdictions to achieve compliance.

In addition, the report contains the SRRE and NDFE schedule submittal process and the time frames for reviewing and approving, disapproving and amending the documents. The other two attachments are checklists used by staff during the review of the preliminary draft SRREs and SWGSs. These checklists contain the regulatory requirements of Title 14, Chapter 9, Articles 6.1 and 6.2, CCR sections 18722 through

18748. However, these checklists have been highlighted to show what regulatory requirements, as discussed in this report, staff are proposing to focus on to help determine an adequate element.

As a result of AB 440 (Sher), city, county and regional agency SRREs and Nondisposal Facility Elements (NDFE) are required to be submitted to CalRecycle in three phases; April 30 (144 SRREs and 144 NDFE), August 31 (145 SRREs and 145 NDFEs), and December 31, 1994 (218 SRREs and 218 NDFEs). The quantity of SRREs and NDFEs to be submitted during these time frames are based on the county's projected remaining landfill capacity. The numbers of documents to be received are staff's estimates based on Local Task Force landfill capacity projections.

CalRecycle must take action on the adequacy of a jurisdiction's element within 120 days of receipt. local assistance staff and board staff will have approximately 90 days to review the elements, in order to make recommendations and present findings to the Committee and CalRecycle for approval or disapproval within the 120 day time period. AB 440 does not require the jurisdiction's HHWEs, CSEs, nor CIWMPs to be submitted at the same time as the SRREs and NDFEs. AB 440 also requires each jurisdiction to submit a report by October 1, 1994, to CalRecycle on its progress in achieving diversion requirements. In turn, CalRecycle is required to compile the information in those status reports and to submit a summary of progress achieved by local jurisdictions in meeting the diversion requirements to the Legislature by January 1, 1995.

Existing state statute requires CalRecycle to determine whether an element or plan complies with the pertinent provisions of the PRC. These referenced statutes define the general provisions of AB 939, the requirements of SRREs, and plan preparation requirements of CIWMPs. State statute also requires CalRecycle to approve or disapprove a local jurisdiction's element or plan. Therefore, there is a need for CalRecycle to establish guidelines for determining adequacy, and approval of notice of deficiencies of SRREs, HHWEs, NDFEs, CSEs and CIWMPs.

Preliminary SRREs and HHWEs were previously submitted to CalRecycle for review and comment by local assistance staff. In addition to CalRecycle staff review, these SRREs and HHWEs were submitted to applicable counties, adjacent cities, any association of regional governments and the Local Task Force for review and comment.

Local assistance staff analysis, review, and comments focused on the adequacy or inadequacy of statutory and regulatory requirements and a technical analysis of diversion programs selected to be implemented. Local Task Forces, in their review of

SRREs and HHWEs, were required to consider the issues of regional concern and to indicate any areas of deficiencies. When final SRREs are submitted to CalRecycle in 1994, in addition to the criteria discussed in this report, Local assistance staff will also review the local assistance staff comment letters originally submitted to local jurisdictions to determine if deficiencies were responded to and corrected, and whether or not the Local Task Force issues were addressed and responded to by the local jurisdiction. Local assistance staff will also examine the documentation submitted with the SRRE to determine that the public participation and notice requirements, as well as local adoption of the SRRE occurred, that circulation of the preliminary and final SRRE for review occurred, and that the CEQA documentation has been complied with and meets the regulatory requirements.

## Analysis of CIWMP Enforcement Policy

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[Public Resources Code \(PRC\) section 41780](#) establishes and requires a 25 percent reduction of solid waste disposal by cities and counties by 1995 and 50 percent by the year 2000. The planning requirements in this section require waste diversion from landfill or transformation facilities through source reduction, recycling, and composting activities identified in city, county and regional agency Source Reduction and Recycling Elements (SRRE).

In addition to the SRREs, local jurisdictions are also required to prepare additional solid waste planning documents. These include the Household Hazardous Waste Element (HHWE), the Nondisposal Facility Element (NDFE), the Countywide Siting Elements (CSE), and the Countywide Integrated Waste Management Plan (CIWMP). The NDFEs are to be consistent with the implementation of a local jurisdiction's SRRE. However, it is the SRREs that are required to have an implementation schedule which shows the diversion of 25 percent and 50 percent through source reduction, recycling and composting activities.

A SRRE is composed of the following components: waste characterization; source reduction; recycling; composting; solid waste facility capacity; education and public information; funding; special waste and integration. Statute requires a SRRE to include a program for management of solid waste generated within the jurisdiction and which is consistent with waste management hierarchy and order of priority. The hierarchy is in order of source reduction, recycling and composting and environmentally safe transformation and land disposal.

A HHWE is a planning document which identifies programs for the collection, recycling, treatment and disposal of household hazardous waste. Local programs separate the collection of these materials from the solid waste stream to prevent illegal disposal at solid waste facilities.

A NDFE identifies new and existing facilities needed to implement a SRRE. Local jurisdictions do not have to address disposal or transformation facilities in an NDFE, but they may identify general locations or specific areas for new facilities needed to implement a SRRE.

A CSE is a planning document that identifies areas that may be used for the development of new disposal and transformation facilities. The identification of new areas for locating new facilities is needed if a county determines that existing disposal capacity will be exhausted within 15 years or if additional capacity is desired.

A CIWMP includes a summary plan, SRREs, HHWEs, NDFEs and a CSE. This countywide planning document describes the programs to be implemented in the unincorporated and incorporated areas that will effectively manage the solid waste generated countywide and promote and implement the hierarchy of the Integrated Waste Management Act.

## SRRE Approval Process

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CalRecycle is required to review and determine the adequacy of a jurisdiction's SRRE, HHWE, NDFE, or CIWMP within 120 days of receipt and, based upon this review, CalRecycle must either approve or disapprove the element or plan ([PRC 41800\(a\)](#), [41800\(b\)](#), [41802](#)). The approval or disapproval must occur at a public hearing. Testimony from the jurisdiction, the public and the Local Task Force can be received during the public hearing process. Within 60 days of receipt of an amended SRRE or NDFE from a jurisdiction, CalRecycle must determine if the amended element is adequate ([41800\(b\)](#), [41800\(e\)](#)). If CalRecycle **does not act** to approve or disapprove of a SRRE or NDFE in 120 days or an amendment in 60 days, CalRecycle shall be deemed to have approved the SRRE or NDFE.

Because there will be 531 individual SRREs and NDFEs submitted between April and December 1994, local assistance staff and board staff have to dedicate their time for review, evaluation, comment and recommendation. This must be accomplished within 120 days and presented to both the Planning Committee and a CalRecycle meeting. Staff are recommending a streamlined process for CalRecycle approval of an

element and plan due to the short time frame to approve or disapprove an element and plan. Staff propose to prepare an agenda item for **approval** of a SRRE and NDFE as follows: The item would contain an analysis of how staff determined adequacy and a checklist noting content requirements were met. Staff would recommend that each SRRE and NDFE submitted for approval be placed on each agenda as a **consent item**. Staff recommendations for a disapproval decision would be handled differently. These items will be placed on the agenda as a consideration item, with recommendations to the local jurisdiction on how the inadequate element or plan could be corrected and meet adequacy requirements. Each process (approval and disapproval) would contain a resolution which makes certain findings on either adequacy or inadequacy, as required by statute.

### Conditional Approval Process

The Elements and Plans may contain different successes and shortcomings that determine conditional approvals. Staff anticipate that Elements and Plans will satisfy the mandates of the Integrated Waste Management Act to varying degrees. Refinement would be needed before these Elements and Plans can be fully approved by CalRecycle. CalRecycle would approve acceptable Element and Plan portions by resolution. Specific remedies would be identified wherever possible and attempts to define reasonable timetables, which would result in establishing a compliance schedule for accomplishing them, would be instituted. Input from the affected jurisdiction will be critical to determine the ultimate remedies and compliance schedules.

There are some legal and policy issues associated with a conditional approval process. For example, CalRecycle needs to preserve its ability to take enforcement action regarding an inadequate Element and Plan. CalRecycle will also have limitations on how specific a recommendation may be to a local jurisdiction to correct a deficient Element and Plan (i.e., CalRecycle may not select a particular diversion program for a jurisdiction to implement, but may also make suggested recommendations for selection). In addition, CalRecycle may be faced with a number of case-by-case decisions. Case-by-case decisions may require CalRecycle's Legal Office to provide assistance to ensure a fair and equitable approach is undertaken so that case-by-case decisions are upheld under legal scrutiny. Finally, CalRecycle will need to decide whether to allow a jurisdiction to revise an Element that is deficient in meeting the 50 percent waste reduction mandate and submit the revised Element at the 5-year revision time frame.



Included in this report, staff have identified specific examples of guidance CalRecycle would provide to local jurisdictions who receive a Notice of Deficiency (NOD) for inadequate planning requirements. For example, conditional approvals, containing specific time frames for compliance, may be granted to a local jurisdiction under the following examples:

1. An Element contains the 9 components (Solid Waste Generation Study, Source Reduction, Recycling, Composting, Special Waste, Disposal Facility Capacity, Funding, Public Information and Education and Integration), meets the minimum content requirements, and meets the waste reduction mandates; however, the information provided in one of the minimum content requirements (such as evaluation of alternatives, program selection, market development, disposal facility capacity data, target audiences, etc) may be vague and require clarification. Staff envision a conditional approval of an Element **provided** additional information is submitted according to a compliance schedule.
2. PRC section 41780(a)(2) requires a 50 percent diversion rate of all solid waste from landfill or transformation facilities through source reduction, recycling and composting activities. However, a local jurisdiction's implementation schedule in its SRRE may only show a diversion rate of 47 percent. Upon analysis and review of the SRRE, staff may identify where an additional 3 percent in reduction in source reduction, recycling or composting activities may be augmented to meet the requirements and the mandates of the statute. Staff envision a conditional approval of an Element **provided** additional information is submitted according to a compliance schedule.

Staff have tried to come up with some examples of what we would be looking for that could be considered for a conditional approval. These examples do not include all situations that may arise that would be acceptable for granting a conditional approval. Staff would accept other situations for use in a conditional approval process, however, because final SRREs have not been submitted, staff are not aware of all of the potential problems that would arise during the submittal and review process and which situations would be deemed acceptable. Conditional approvals would be granted on a case-by-case basis, as warranted.

## Countywide Integrated Waste Management Plan Adequacy

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The following is a discussion of the statutory, regulatory and content adequacy requirements of a Countywide Integrated Waste Management Plan (CIWMP). This section contains what staff will focus on during the review of a CIWMP to determine and define adequacy.

In each of the following CIWMP component discussions, the focus is on specific topics to consider when determining whether or not a CIWMP is considered adequate. The specific topics in each component are significant and have been selected because those topics can provide the majority of the information necessary for staff to determine whether or not a plan or element can be deemed adequate.

### Countywide Integrated Waste Management Plan

#### **Statutes: [PRC sections 41750-41770](#)**

Counties are required to prepare and submit to CalRecycle an integrated waste management plan which includes all (SRREs), all HHWEs, a CSE, all NDFEs, all applicable Regional SRREs, HHWEs, and an applicable Regional Siting Element if Regional Agencies have been formed.

The CIWMP summarizes waste management problems facing the respective counties. It also provides an overview of the actions that will be taken to achieve PRC section 41780. CIWMPs and any amendments are approved by the County and by a majority of the cities within the County. If cities fail to act upon the VIWMP or amendments within 90 days of receipt, then failure to act is deemed to have been approved as submitted. CIWMPs are required to be updated every 5 years, if necessary.

#### **Regulations: [14 CCR sections 18757 - 18758.1](#)**

Proposed regulations have been prepared that clarify and provide guidance to counties that will be preparing their CIWMPs. These regulations specify a discussion and identification of goals, objectives, county profile, administration, current practices, summary and integration of SRREs, HHWEs and NDFEs, information on public education and financing mechanisms.

### Countywide Integrated Waste Management Plan Content Adequacy

An adequate CIWMP contains a Summary Plan that includes goals and objectives, a summary of waste management issues and problems identified in the incorporated and unincorporated areas of the county, a summary of waste management programs

and infrastructure, existing and proposed solid waste facilities in the SRREs, HHWEs and NDFEs, and an overview of specific steps that will be taken to achieve the goals outlined in the SRREs and HHWEs.

The discussion above has been an analysis and evaluation of content adequacy requirements of a SRRE, HHWE, NDFE, CSE and CIWMP. It focused on the portions of the elements and plans that are of the highest priority to review during a very tightly compressed timeframe when 531 individual SRREs, HHWEs, NDFEs and 57 CSEs and CIWMPs are submitted to CalRecycle. The determination of adequacy satisfies the statutory and regulatory requirements of an element and plan, as well as the intent of AB 939.

## Countywide Siting Element Adequacy

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The following is a discussion of the statutory, regulatory and content adequacy requirements of a Countywide Siting Element (CSE). This section contains what staff will focus on during the review of a CSE to determine and define adequacy.

In each of the following CSE component discussions, the focus is on specific topics to consider when determining whether a CSE is considered adequate. The specific topics in each component are significant and have been selected because those topics can provide the majority of the information necessary for staff to determine whether a plan or element can be deemed adequate.

### Countywide Siting Element

**Statutes: [PRC sections 41700-41721.5](#)**

Counties are required to prepare a CSE that describes areas that may be used for developing new disposal facilities. The element also provides an estimate of the total permitted disposal capacity needed for a 15-year period if counties determine that their existing disposal capacity will be exhausted within 15 years or if additional capacity is desired.

**Regulations: [14 CCR sections 18755-8756.7](#)**

These sections clarify and provide guidance to counties that will be preparing their CSE. The CSE is addressed in Article 6.5 that specifies requirements for goals, policies, criteria, location, general plan consistency, strategies for disposal when disposal sites are not available, and an implementation schedule.

## Countywide Siting Element Content Adequacy

### **Facility Description**

An adequate CSE contains a description and identification of areas, numbers, and types of new or expanded solid waste disposal and transformation facilities to meet a minimum of 15 years of combined permitted disposal capacity. If new or expanded facilities cannot be established, then a discussion of strategies selected by the local jurisdiction to dispose of the excess solid waste shall be included.

### **Siting Criteria**

The element includes a discussion and description of the siting criteria used in the County's siting process for new or expanded solid waste disposal or transformation facilities. The siting criteria shall address the requirements of 14 CCR section 18756(a) (1-5) that are: environmental considerations, environmental impacts, socio-economic and legal considerations, and any other additional criteria included by jurisdictions that approve the element.

### **Strategies to Achieve 15-Year Disposal Capacity**

The element includes a discussion of how excess solid waste will be handled if new or expanded disposal sites are not available. The discussion also includes the types and quantities of excess waste to be handled, diversion or export programs that would be implemented to handle the excess solid waste and identification of solid waste disposal or transformation facilities that will be used to implement the strategies. A copy of the export and/or import agreement/contract with a participating jurisdiction is included in the element as well.

### **Environmental Justice**

[California Government Code Section 65040.12](#) defines environmental justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.”

[Senate Bill 1542 \(Escutia; statutes of 2002\)](#) amended PRC Section 41701 to require a County that amends its CSE on or after January 1, 2003, to include a description of the actions taken by the county to solicit public participation from the communities that could be affected by the change(s), including, but not limited to, minority and low-income populations. While SB 1542 did not prescribe the specific actions that must be taken in order to satisfy the requirement, it did require CalRecycle to provide guidance on the types of actions that could be taken.

## Links to Other Resources Related to Environmental Justice:

- [CalRecycle Environmental Justice Program](#)
- [CalEPA Environmental Justice Program](#)
- [CalEnviroScreen 3.0](#)
- [U.S. EPA Environmental Justice Mapping and Screening Tool](#)
- [California Environmental Quality Act \(CEQA\), PRC Section 21092](#)

## Legislation

SB 1000 (Leyva, Chapter 587, 2016): This bill requires cities and counties to adopt an environmental justice element or to integrate environmental justice goals, policies, and objectives into other elements of their general plans.

## Environmental Justice Best Practices

- **Utilize mapping tools** such as CalEPA's CalEnviroScreen and U.S. EPA's EJ Screen to identify communities' demographics and pollution burdens. US Quick Facts from the Census Bureau provides snapshot demographic information, which is easily accessible.
- **Provide Translation and Interpretation** to help understand communities' language needs and provide written translation and verbal interpretation when needed. This will ensure individuals and communities affected by new or expanding facilities have access to information that will impact their neighborhoods.
- **Speak to community members and leaders** to gain insight about communities' strengths and concerns. The best way to learn about communities is by speaking to local residents and leaders. In order to facilitate access to community members, seek collaboration with established community organizations such as nonprofits or churches. Additionally, schools are often a great resource as they are centrally located and can serve as a hub.
- **Advance opportunities for community members to participate in the decision-making processes**, prior to the actual point when decisions are being made, so they have a say in decisions that affect their well-being. This includes

working with local enforcement agencies, planning departments, cities, and counties for information sharing about local-level decisions.

- **Initiate mitigation efforts during the planning efforts** for human health and safety. Mitigation efforts will also improve relationships with community members.

**The following section was posted by CalRecycle pursuant to AB 1126 (Chapter 411, Statutes of 2013)**

[Revising the Countywide Siting Element to Identify an Engineered Municipal Solid Waste Conversion Facility](#)

Pursuant to PRC Sections 41721 and 50001 AB 1126 (Chapter 411, Statutes of 2013, Gordon) a jurisdiction should revise the Countywide Siting Element (SE) when siting a new Engineered Municipal Solid Waste Conversion. The jurisdiction in which the facility is located should revise the Countywide Siting Element prior to CalRecycle concurring on the Solid Waste Facility Permit for the facility. One-step in the permitting process is a conformance finding, made first by the Local Enforcement Agency (LEA) for the county, and corroborated by staff in CalRecycle's Jurisdiction Product and Compliance unit (JPCU) staff. A conformance finding is a verification that the location of a permitted disposal facility is identified in the appropriate County's SE.

When JPCU staff is requested by CalRecycle's Permits Division to make a conformance finding related to an Engineered Municipal Solid Waste (EMSW) Conversion Facility, staff will look at the applicable SE to see if that facility is already identified in the SE document. If it is, staff will make the finding that the facility is in conformance, and no revision to the SE will be necessary. However, if the EMSW Conversion Facility is not identified in the SE, staff will make a finding that the proposed SWFP for that facility is not in conformance with the applicable planning document, and the SE will need to be revised. See steps below for revising the SE to identify an Engineered Municipal Solid Waste Conversion Facility.

For more information regarding when a conformance finding is necessary and example scenarios see the LEA memo on conformance. Resources and guidance for solid waste facility permit (SWFP) applicants and local enforcement agencies are available at CalRecycle's [permit toolbox](#).

## Steps for Revising an SE to Identify an Engineered Municipal Solid Waste Conversion Facility

**Step 1:** Prepare facility information that includes the following information:

- Facility Name
- Type of Facility
- Location
- Facility Capacity
- Material types that will be received at the facility for conversion

**Step 2:** PRC section 50001(c) requires the agency, either the City or County in which the Engineered Municipal Solid Waste Conversion Facility is proposed to be located, to submit a site identification and description of the proposed facility to the local task force, and within 90 days the Task Force is required to meet and comment on the proposed facility in writing.

**Step 3:** Pursuant to PRC Section 41721(b) the SE revision for an Engineered Municipal Solid Waste Conversion Facility is done by the governing body, e.g., City Council or County Board of Supervisors, for the jurisdiction in which the facility is located. Additionally, identifying an Engineered Municipal Solid Waste Conversion Facility in the SE is exempt from the majority/majority requirement.

- The governing body would notice the public of the decision to amend the CSE to include the EMSW facility as a part of its typical noticing process, e.g., public noticing of City Council or Board of Supervisor's meeting agenda. The information provided to the public would include the description of the facility identified above in Step 1.
- **Environmental Justice**  
When revising the Siting Element to include an EMSW conversion facility, the jurisdiction in which the facility is located is also responsible pursuant to PRC Section 41701 to provide a description of the actions taken by the jurisdiction to solicit participation from the public that could be affected by the change(s), including, but not limited to, minority and low-income populations.

**Step 4:** The governing body would then send a copy of the approved resolution, public noticing information, CEQA, facility description of the Engineered Municipal Solid

Waste Conversion Facility and description of actions taken to address Environmental Justice pursuant to PRC Section 41701 to CalRecycle. This SE information may be submitted either electronically or hard copy.

**Step 5:** The jurisdiction shall also provide a copy of the revised SE information to the County, if the facility is located in a City, and also to the local task force.

**Step 6:** CalRecycle upon receipt of the SE revision shall append the revised information to the existing SE currently on file. The County should do likewise to make sure its records are update to date.

Should you need further assistance or information on amending a CSE, please contact your [local assistance staff representative](#) or (916) 341-6199.

## Disapproval Process and addressing deficiencies

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If CalRecycle disapproves a Source Reduction and Recycling Element (SRRE) or Countywide Integrated Waste Management Plan (CIWMP), CalRecycle must issue a Notice of Deficiency (NOD) that identifies the specific reasons for the rejection. This must occur within 30 days of CalRecycle's decision. A NOD would be issued to the local jurisdiction for all element disapprovals. The NOD must include specific deficiencies of the element and specific recommendations on how to correct the deficiencies. Within 120 days of receipt of the NOD, the jurisdiction must correct the deficiencies, readopt, and resubmit the city SRRE or the CIWMP to CalRecycle. The following issues which could lead to a disapproval for an element and plan are described below.

If a SRRE, including a SWGS, submitted to CalRecycle for final review, includes the diversion of agricultural wastes, inert solids, or scrap metals for years preceding the year commencing January 1, 1990, and CalRecycle is unable to determine, due to insufficient information submitted, if the material was diverted from a permitted disposal facility through action by the jurisdiction which specifically resulted in diversion, CalRecycle must notify the jurisdiction within 60 days that the diversion is excluded for purposes of calculating compliance with diversion goals of 25 and 50 percent for 1995 and 2000, respectively.

SWGS' determined to not be accurate or representative shall be corrected by the local jurisdiction. There are several issues and potential solutions CalRecycle needs to consider. The issues include: (1) non-comparable data; (2) incomplete and/or inaccurate data; and (3) availability of more accurate data.



**Non-Comparable Data:** Staff recommend the jurisdiction be required to find a more comparable jurisdiction so that the waste generation data is more representative of the specific jurisdiction.

1. **Incomplete and/or Inaccurate Data:** The base-year data needs to be as accurate as possible because it is used as the basis for determining how much and what types of diversion programs are needed and whether a jurisdiction achieved the 25 and 50 percent diversion mandates. If the base-year data figures are incomplete, staff would recommend CalRecycle require the jurisdiction to revise the data to be an accurate, representative characterization. The revision of the SWGS may require revision of other components of the SRRE. The schedule for revision is specified in [PRC section 41811 and 41811.5](#).
2. **Availability of More Accurate Data:** Some jurisdictions indicate they wish to revise their waste generation, disposal and diversion numbers as local jurisdictions have developed more accurate tracking systems since the SWGS was prepared. Staff recommend CalRecycle request original data be corrected or augmented by extrapolating backwards from the new, more accurate data. There could be two results from implementing this recommendation: (1) jurisdictions could develop a more accurate basis for planning appropriate diversion programs and it would increase the accuracy of CalRecycle's statewide waste generation information; or (2) jurisdictions could use the data to show they met the mandate, without changing actual diversion programs.

If a jurisdiction has received an NOD from CalRecycle for a SRRE, which included the diversion of agricultural waste, inert solids, or scrap metal, the jurisdiction may submit additional information to substantiate that the material was diverted from a permitted solid waste facility for the purpose of diversion. The jurisdiction's response must be submitted within 60 days of receipt of the disapproval. Upon receipt of additional information from the jurisdiction, CalRecycle has 60 days to evaluate the new information and determine if the excluded waste complies with the diversion goals of AB 939. Subsequent to CalRecycle's excluded waste determination, the jurisdiction has 120 days to resubmit the SRRE to CalRecycle. If a jurisdiction is unable to resubmit the SRRE within 120 days, CalRecycle has the prerogative to extend the deadline ([PRC 41811.5](#)).

## Addressing Deficiencies

If CalRecycle disapproves an element, it must issue a NOD which identifies the specific reasons for the disapproval and includes specific recommendations on how to correct the deficiencies. Then the jurisdiction has 120 days to correct the deficiencies, readopt, and resubmit the element to CalRecycle. The revisions must be done before CalRecycle can make a final approval of an element. If the disapproval includes issues related to excluded wastes, a specific process must be followed to demonstrate that the required criteria have been met in order to claim diversion of excluded wastes. This process involves submittal of additional information by the jurisdiction and review and approval/disapproval of the claim by CalRecycle as discussed above.

The following is a discussion of specific examples of the guidance CalRecycle would provide the local jurisdictions who receive a NOD for inadequate planning requirements of an element or plan. Technical assistance would be provided to local jurisdictions by CalRecycle staff in order to provide the necessary guidance to correct elements or plans deemed inadequate. These examples are not all inclusive of the possible recommendations to correct deficiencies because NODs would be issued on a case-by-case basis.

### SRRE Components (Excluding SWGS)

1. If the SRRE does not contain the minimum components (Solid Waste Generation Study, Source Reduction, Recycling, Composting, Special Waste, Disposal Facility Capacity, Funding, Public Information and Education, and Integration) then the jurisdiction will need to revise their SRRE by including the missing component(s).
2. If the element or plan will not achieve the mandates of PRC section 41780, then CalRecycle staff will work with the local jurisdiction to discover possible remedies or solutions that will enable the jurisdiction to achieve the mandates. Possible solutions include identifying alternative diversion programs for management of solid waste generated within the jurisdiction and which are consistent with the waste management hierarchy and order of priority, correcting the SWGS, identifying changes in the local jurisdiction that affected or delayed the solid waste planning process such as layoffs or lack of resources.
3. If the element or plan does not contain an evaluation of source reduction, recycling, composting, and special waste diversion programs considered for

possible local implementation, then the SRRE will need to be revised by the local jurisdiction addressing the missing information.

4. If the element or plan does not contain an identification and description of the source reduction, recycling, composting, and special waste programs selected for implementation, then the SRRE will need to be revised by the local jurisdiction addressing the missing information.
5. If the element or plan does not contain a discussion of the local market development activities for the recycling and composting components, then the SRRE will need to be revised by the local jurisdiction addressing the missing information.
6. If the element or plan does not contain a discussion of the combined permitted disposal capacity for each permitted disposal facility within the local jurisdiction, as well as a disposal facility needs projection estimating the additional disposal capacity needed, then the SRRE will need to be revised by the local jurisdiction addressing the missing information.
7. If the element or plan does not contain a description of the solid waste generated in the jurisdiction that is imported and/or exported and the jurisdiction is claiming disposal capacity in another jurisdiction, then a copy of the agreement or memorandum of understanding will need to be included in the revised SRRE.
8. If the element or plan does not contain the cost estimations for the source reduction, recycling, composting, special waste, and public information and education programs scheduled for planning, development and implementation, as well as the revenues sources identified to support those programs and any sources of contingency funding necessary, then the SRRE will need to be revised by the local jurisdiction addressing the missing information.
9. If the element or plan does not contain a description of the targeted audience for the planned education and public information programs, then the SRRE will need to be revised to include the missing information.
10. If the element or plan does not contain an identification and description of the public education and information programs selected for implementation, monitoring and evaluation, then the SRRE will need to be revised to include the missing information.

11. If the element or plan does not contain a prioritization of selected diversion programs, a master implementation schedule, an explanation of how each of the diversion programs selected to achieve the 25 percent and 50 percent diversion mandates, contingency measures and milestone, then the SRRE will need to be revised to include the missing information.

### SWGS Component

1. If waste quantity data are not provided, the jurisdiction will need to revise their SRRE by including these data. Data may be obtained by conducting a solid waste characterization study, as described in [Title 14 CCR Chapter 9 Article 6.1](#), or by calculating the data, based on waste composition data of a comparable jurisdiction. The new data must be extrapolated back to 1990 base-year amounts.
2. If the base-year generation data provided are not accurate, to correct this deficiency will depend on the reason for the inadequacy. For example, if tables with conflicting numbers are provided in the final SRRE, the jurisdiction would be requested to clarify which data are accurate, and revise the SRRE accordingly.
3. If the waste generation data are not shown to be representative of the jurisdiction, CalRecycle staff may assist the jurisdiction in identifying available data sources to render the data more representative. What must be done to correct any errors will depend on the error. For example, if data used were not comparable, then the jurisdiction could select another comparable jurisdiction. The SRRE would need to be based on the new information.
4. If data used were not comparable, the jurisdiction may work with CalRecycle to identify jurisdictions that could be more comparable. The jurisdiction must re-evaluate its selected diversion programs based on the new, more comparable data, and revise its SRRE accordingly.
5. If seasonal variation was not addressed, the SRRE must be revised to reflect seasonal variation in wastes generated. Comparable jurisdiction data may be used to determine seasonal variation.

6. If any conversion factors used were not approved by CalRecycle, CalRecycle staff may provide the jurisdiction with factors and/or methods that have been approved by CalRecycle. Recalculations must be included in the revised SRRE.
7. If testing methods were developed to determine conversion factors, and the methods were not summarized in the SWGS, the SRRE must be revised to include a discussion of these testing methods.
8. Diverted waste types that are not normally disposed, as per [14 CCR section 18720\(44\)](#), may not be included in the jurisdiction's diversion total. Base-year diversion amounts that include waste types that are not normally disposed must be modified to reflect their exclusion. If this reduction in the diversion amount lowers the jurisdiction's projected diversion rates for 1995 and 2000 to lower than that 25 percent and 50 percent waste diversion mandates, then the jurisdiction will have to re-evaluate the diversion programs selected. The SRRE must be revised to include this new information.
9. If it is unclear to CalRecycle staff how diversion amounts were determined, or if diversion is claimed for a waste type for which no diversion activity was identified, the jurisdiction must revise the SRRE. Staff will identify any diversion amounts that are questionable, and will recommend what is needed to clarify the claimed amounts. Staff will also identify any special waste types claimed as diverted that have no apparent associated diversion activity. The SRRE must be revised to show this new information.
10. A jurisdiction must provide sufficient documentation to demonstrate the three criteria for claiming base-year diversion of an excluded waste type were met. The information must be provided according to the procedure outlined in [PRC section 41811.5](#). Staff will indicate in a NOD what types of documentation may be appropriate for the waste type in question.

### Enforcement Process

If a jurisdiction's revised SRRE or CIWMP is still deemed inadequate by CalRecycle, CalRecycle must conduct a public hearing and take testimony on the SRRE or CIWMP and the deficiencies identified by CalRecycle. After conducting the public hearing, CalRecycle may impose administrative civil penalties of not more than \$10,000 per day on any jurisdiction which fails to submit an adequate SRRE or CIWMP ([PRC 41813](#)).

Please [see Part II](#) for CalRecycle policies and processes regarding failure of a jurisdiction to implement its SRRE and/or HHWE.

## Evaluation Process

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### [Source Reduction and Recycling Element \(SRRE\) Criteria](#) | [Solid Waste Generation Study \(SWGS\) Criteria](#)

A Source Reduction Recycling Element (SRRE), Household Hazardous Waste Element (HHWE), Nondisposal Facility Element (NDFE), Countywide Siting Element (CSE), and Countywide Integrated Waste Management Plan (CIWMP) would be evaluated by CalRecycle staff based on the above analysis. Staff would present recommendations for approval or disapproval by CalRecycle. If CalRecycle approves an element, CalRecycle must adopt written findings that implementing the element will achieve the diversion requirements. A disapproval decision by CalRecycle would generate a Notice of Deficiency (NOD). The NOD must include specific recommendations on how to correct the deficiencies in the element or plan.

If a plan or element is not submitted, that would constitute failure to have adequate planning. Enforcement actions, which will be discussed in Section Two of the report, would then be considered by CalRecycle.

The following criteria addresses the evaluation process for SRREs and NDFEs since these are the first planning documents that will be submitted to CalRecycle in April, August and December 1994. Criteria will be established for HHWEs, CSEs, and CIWMPs in Section Two. Criteria evaluated by CalRecycle staff will include whether disposal and diversion quantity data are shown in the SRRE and whether diversion program planning by the local jurisdiction occurred. In addition, the following would be analyzed in evaluating an element and plan for adequacy and approval:

#### Source Reduction and Recycling Element (SRRE) Criteria

1. Will diversion programs operated by a local jurisdiction be monitored and evaluated and meet the 25 percent and 50 percent waste reduction mandates?
2. Did the element and plan meet the content needed for a determination of adequacy?
3. Was there a logical methodology to the planning process?

4. Were the diversion program alternatives evaluated for feasibility and selection?
5. Were the evaluation criteria defined by the local jurisdiction and the definitions contained in the element and plan?
6. Was there a discussion of both existing and future local market development activities?
7. Was there a discussion of the existing permitted landfills and transformation facilities, the combined permitted disposal capacity for each facility, and a disposal facility projection estimating the need for additional disposal capacity for a 15-year period?
8. Were cost estimates included for the source reduction, recycling, composting, special waste and public information and education programs scheduled for planning, development and implementation?
9. Were contingency funding needs identified by funding source?
10. Were feasible diversion programs selected?
11. Has the local jurisdiction specified their policies, goals and objectives toward meeting the hierarchy specified in PRC section 40051?
12. Has the local jurisdiction committed resources and revenues for planned diversion programs in a timely manner?
13. Does the element and plan have internal consistency?
14. Did local adoption of a SRRE, HHWE, NDFE, CSE and CIWMP occur?
15. Did public involvement, as prescribed in statute and regulations, occur?
16. Did the plan and element identify generators targeted for education and public information programs?
17. Did the element and plan explain how selected source reduction, recycling, composting, and special waste programs would combine to meet the diversion requirements?
18. Did the element and plan contain an implementation schedule identifying all tasks for new and expanded diversion programs?
19. Did the element and plan explain how each of the selected programs jointly achieve the diversion mandates and will the programs be effective?
20. Are diversion facilities that will be used by local jurisdictions described?
21. Are the diversion facilities identified by their name, type and who uses the facilities?

## Solid Waste Generation Study (SWGS) Criteria

1. Were annual diversion tonnage data provided, by waste type and sector, from the jurisdiction's source reduction, recycling and composting activities?
2. Were annual disposal tonnage data provided, by waste type and sector, from permitted landfill and transformation facilities used by the jurisdiction?
3. Were the wastes sampled representative examples of waste types and quantities generated by the jurisdiction's residential, commercial, industrial, and other significant sectors?
4. Was a discussion of seasonal variations in generated waste tonnages provided?
5. Was a discussion provided demonstrating the representativeness of the sampling method used?
6. If conversion factors were used to calculate waste diversion and disposal tonnages, were the factors used accurate?
7. If comparable data were used to identify a jurisdiction's waste stream composition, did the discussion demonstrate the comparability of the jurisdictions' populations, economic and demographic bases, and percentages of residential, commercial, and industrial sectors?
8. Was text or a table provided demonstrating that all waste types claimed as diverted were at least .001 percent of the jurisdiction's disposed waste stream?
9. Were explanations provided in the SWGS on how diversion amounts were determined? Did the jurisdiction identify the diversion program/facilities it used to obtain these diversion amounts?
10. Was documentation provided showing that:
  1. baseyear diversion of agricultural wastes, inert solids, scrap metals and/or white goods (i.e., restricted waste types) was/were the result of a specific local action?
  2. historical disposal amounts for each restricted waste type claimed as diverted in the baseyear are not less than the claimed diversion amounts?



3. Diversion programs selected in the SRRE are, or will be implemented by the local jurisdiction?

## Household Hazardous Waste Element (HHWE) Adequacy

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The following is a discussion of the statutory, regulatory and content adequacy requirements of a Household Hazardous Waste Element (HHWE). This section contains what staff will focus on during the review of a HHWE to determine and define adequacy.

In each of the following HHWE component discussions, the focus is on specific topics to consider when determining whether or not a HHWE is considered adequate. The specific topics in each component are significant and have been selected because those topics can provide the majority of information necessary for staff to determine whether or not a plan or element can be deemed adequate.

### Household Hazardous Waste Element

**Statutes: [PRC sections 41500-41510](#)**

Each city and county is required to prepare, adopt and submit to CalRecycle, a HHWE which identifies a program for the safe collection, recycling, treatment, and disposal of hazardous wastes that are generated by households.

**Regulations: 14 CCR sections [18750 – 18751.8](#), [18760 – 18775](#)**

These regulations clarify and provide guidance to local jurisdictions who prepare their HHWE. The HHWE specifies how household hazardous wastes generated by households within the jurisdiction must be collected, treated, and disposed. The HHWE is addressed in two Articles of Title 14, Chapter 9, of the CCR: Article 6.3, the Household Hazardous Waste Element; and Article 7.0, the Procedures for Preparing and Revising City and County Source Reduction and Recycling Elements, and Household Hazardous Waste Elements.

Article 6.3 specifies the means by which each jurisdiction is required to prepare and implement a HHWE. This article outlines objectives that include plans to source reduce and safely collect, recycle, treat, and dispose of household hazardous wastes generated within the jurisdiction and provides a specific time frame for achieving these objectives.

## Household Hazardous Waste Element Content Adequacy

An adequate HHWE contains the following components:

- [Evaluation of Alternatives](#)
- [Program Selection](#)
- [Funding](#)
- [Implementation Schedule](#)
- [Education and Public Information](#)

### Adequacy of Household Hazardous Waste Alternatives Component

Evaluation of Alternatives. The component contains an evaluation of the household hazardous waste program alternatives considered for possible local implementation. These alternatives can include periodic community-wide or neighborhood collection, permanent drop-off sites, mobile waste collection, curbside collection, load-checking at solid waste facilities, and waste exchange, reuse and recycling programs. Specificity of the alternatives discussed is up to the discretion of the local jurisdiction. However, the evaluation criteria selected by the local jurisdiction shall be defined and the definition contained in the context of the component.

### Adequacy of Program Selection

Program Selection. The component contains an identification and description of the household hazardous waste programs selected for implementation, monitoring and evaluation. Decisions on which programs were selected shall be up to the discretion of the local jurisdiction. The selection process and decision shall be based on criteria established by the local jurisdiction. That criteria shall be included in the context of the component.

### Adequacy of Funding Component

Funding Component. The component describes the cost estimates for each household hazardous waste program scheduled for planning, development, and implementation in the HHWE. In addition, the component identifies revenue sources to support those programs. Sources of contingency funding are also addressed in this component. Contingency funding can be identified by a list of possible revenue sources, such as tipping fees.

## Adequacy of Implementation Schedule Component

Implementation Schedule. The component contains a master implementation schedule that indicates all implementation tasks for new and expanded household hazardous waste programs. The schedule contains a title for each task, task start date and milestone date, entity implementing the task, and a schedule for funding source availability. The component contains a description of the household hazardous waste programs in the jurisdiction that will be managed through interjurisdictional agreements, or memorandums of understanding, with other cities or counties. A copy of the agreement or memorandum of understanding is to be included in the component.

## Adequacy of Education and Public Information Component

1. Targeted Audience. The component contains a description of all education and public information programs and activities within the jurisdiction which promote source reduction, reuse, recycling and safe disposal of household hazardous waste. The component contains a list of preferred alternatives both existing and proposed that will be maintained or implemented. In addition, the component contains an identification of targeted generators or sources such as single family or multifamily households, based on the data compiled in the SWGS conducted for the individual jurisdiction.
2. Program Selection. The component contains an identification and description of the public education and information programs selected for implementation, monitoring, and evaluation. Decisions on which programs were selected shall be up to the discretion of the local jurisdiction. The selection process and decision shall be based on criteria established by the local jurisdiction. That criteria shall be included in the text of the component.

This summarizes the analysis and evaluation that would be used by local assistance staff to determine an adequate HHWE.

## Nondisposal Facility Element Adequacy

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The following is a discussion of the statutory, regulatory and content adequacy requirements of a Nondisposal Facility Element (NDFE). This section contains what staff will focus on during the review of a NDFE to determine and define adequacy.

In the following NDFE discussion, the focus is on specific topics to consider when determining whether or not a NDFE is considered adequate. The specific topics are significant and have been selected because those topics can provide the majority of the information for staff to determine whether or not a plan or element can be deemed adequate.

## Nondisposal Facility Element

### **Statutes: [PRC sections 41730-41736](#)**

Each city and county is required to prepare, adopt and submit to CalRecycle, an NDFE which includes a description of new facilities and expansion of existing facilities, and all solid waste facility expansions (except disposal and transformation facilities) that recover for reuse at least five percent of the total volume. The NDFE must also be consistent with the implementation of a local jurisdiction's SRRE. Each jurisdiction must also describe transfer stations located within and outside of the jurisdiction which recover less than five percent of the material received.

### **Regulations: [14 CCR sections 18752 – 18754.5](#)**

Proposed regulations have been prepared that require the identification of nondisposal facilities in each jurisdiction. Each jurisdiction must prepare a NDFE that identifies all existing, expansion of existing, and proposed solid waste facilities (except disposal facilities and transformation facilities) located within and outside the jurisdiction that they use or will use, and which recover for reuse and recycling at least five percent of the total volume of material received by the facility.

## Nondisposal Facility Element Content Adequacy

An adequate NDFE contains a description of diversion facilities to be used by the local jurisdiction to support the diversion programs proposed to be implemented by the local jurisdiction to reach the diversion mandates of PRC 41780. The name and type of the facility and the use of the facility by participating jurisdictions is also included in the NDFE.

This summarizes the analysis and evaluation that would be used by staff of local assistance staff to determine an adequate NDFE.

## Source Reduction and Recycling Element Adequacy

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In each of the following Source Reduction and Recycling Element (SRRE) component discussions, the focus is on specific topics in each of the components to consider when determining whether or not a SRRE is considered adequate. The specific topics in each component are significant and have been selected because those topics can provide the majority of information necessary for staff to determine whether or not a plan or element can be deemed adequate.

### Source Reduction and Recycling Element

**Statutes: [PRC sections 41000-41460](#)** The SRRE is composed of the following components: waste characterization, source reduction, recycling, composting, solid waste facility capacity, education and public information, funding, special waste and integration. Each city and county is required to prepare, adopt, and submit to CalRecycle a SRRE which includes a program for management of solid waste generated within the respective local jurisdiction. The SRREs place primary emphasis on implementation of all feasible source reduction, recycling, and composting programs while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be reduced, recycled, or composted.

**Regulations: 14 CCR sections [18730 – 18748](#), [18760 – 18775](#)**

Modification of these regulations is currently occurring that will clarify and provide guidance to the jurisdictions preparing SRREs. The SRRE is addressed in three articles of Title 14, Chapter 9, of the California Code of Regulations (CCR): Articles 6.1, 6.2, and 7.0 (Solid Waste Generation Studies; Contents of Source Reduction and Recycling Element; and the Procedures for Preparing and Revising City and County Source Reduction and Recycling Elements, and Household Hazardous Waste Elements, respectively).

Article 6.1 specifies requirements for the SWGS which establishes baseline waste disposal and diversion tonnages from which achievement of the 25 and 50 percent waste diversion mandates will be measured. The waste characterization information required by the Article is used by jurisdictions to identify materials which could be diverted and to select programs which target those materials.

Article 6.2 specifies the means by which each jurisdiction is required to prepare and implement a SRRE. The objective of this Article is to summarize the percentage of solid waste diversion which a jurisdiction plans to attain through each component program

of the SRRE (i.e., Source Reduction, Recycling, Composting, and Special Wastes components); and to indicate the time frame required to achieve each objective.

Article 7.0 outlines the procedures for circulating, reviewing, and submitting a preliminary and final draft SRRE and HHWE. This Article also addresses CalRecycle's SRRE and HHWE approval process, the annual report and biennial SRRE and HHWE review procedures. The annual report, prepared by the local jurisdiction, summarizes the progress achieved in meeting the waste reduction mandates. It also serves as a basis for determining whether a revision of an element is needed. The biennial review is a CalRecycle-conducted independent review of an element, assessing each jurisdiction's progress toward meeting the waste reduction mandates.

### [Source Reduction and Recycling Element Content Adequacy](#)

An adequate SRRE contains the following regulatory required components:

- [Solid Waste Generation Study](#)
- [Source Reduction](#)
- [Recycling](#)
- [Composting](#)
- [Special Waste](#)
- [Disposal Facility Capacity](#)
- [Funding](#)
- [Public Information and Education](#)
- [Integration](#)

### [Adequacy of Solid Waste Generation Study \(SWGS\)](#)

1. **Base Year Waste Generation Measurement.** Waste generation shall include (1) diversion data from source reduction, recycling and composting activities, and (2) disposal data from permitted transformation and landfill facilities used by a jurisdiction.
2. **Representative Sampling and Seasonal Variation.** The SWGS shall be representative, reflect seasonal variations and be as accurate as possible. Baseyear data would be representative if (1) the sampled wastes were typical examples of waste generated by a jurisdiction's residential, commercial and

industrial sectors, and (2) the annual waste stream was characterized by measuring the amount of the annual tons of waste types disposed and diverted by each sector. The sampling shall measure any seasonal variation in waste generated throughout the year. Seasonal variation may include changes in waste generated due to seasons, tourist activities, and large public events. Jurisdictions may use data from a comparable jurisdiction to demonstrate this seasonal variation rather than performing their own waste characterization.

3. **Sampling Methods.** Four methods may be used, as defined in Article 6.1 of the CCR. The method selected shall characterize the jurisdiction's waste stream. The discussion of the selected method shall indicate whether the sampling was representative of the jurisdiction.
4. **Accuracy of Data, Calculations, and In-Place Volume.** The SWGS data and calculations are required to be as accurate as possible. Calculations may include converting the volume amount of waste diverted and/or disposed to weight, when only volumetric data is available.
5. **Comparable Data.** Jurisdictions may use comparable data to characterize their waste stream. If comparable data are used, then a description must be included on how the jurisdictions were comparable. The description shall include a discussion comparing waste generation factors such as population size, residential, commercial and industrial sector percentages, the economic base and demographics of the two jurisdictions.
6. **Normally Disposed Of.** The SWGS shall demonstrate that each specific waste type claimed for diversion was normally disposed in a permitted disposal facility used by the jurisdiction. The disposal amount of a waste type claimed for diversion shall be at least .001 percent of the jurisdiction's total disposed waste stream.
7. **Base Year Diversion Claims.** These claims shall be substantiated in the SWGS with an explanation of data sources and an explanation of how the amounts were determined. The claim shall also be based on an accurate account of the diversion programs and facilities used by the jurisdiction.
8. **Base Year Diversion Claims for Specific Waste Types.** Base year diversion claims for agricultural wastes, inert solids, scrap metals and white goods are allowed under three specific conditions. Documentation is required to show (1)

a specific local action resulted in the diversion; (2) the historical disposal amounts for each restricted waste type claimed as diverted are not less than the claimed diversion amounts; and (3) the diversion programs selected are, or will be, implemented by the local jurisdiction. Documentation shall be specific to the specific waste type claimed for base year diversion. Jurisdictions shall submit documentation related to their base year diversion of specific waste types for staff to evaluate and determine whether the three criteria have been met.

### [SRRE Component List](#)

#### Adequacy of Source Reduction Component

1. **Evaluation of Alternatives.** The component contains an evaluation of source reduction diversion program alternatives considered for possible local implementation. These alternatives can include rate structure modifications, economic incentives, technical, instructional and promotional assistance, and local regulatory programs. Specificity of the alternatives discussed is up to the discretion of the local jurisdiction. However, the evaluation criteria selected by the local jurisdiction shall be identified and defined. If the criteria have been ranked for the selection of a diversion alternative, then a definition must be included that describes the ranking methodology.
2. **Program Selection.** The component contains an identification and description of the source reduction programs selected for implementation. Decisions on which programs were selected shall be up to the discretion of the local jurisdiction. The selection process and decision shall be based on criteria established by the local jurisdiction. That criteria shall be included in the text of the component.

### [SRRE Component List](#)

#### Adequacy of Recycling Component

1. **Evaluation of Alternatives.** The component contains an evaluation of recycling diversion program alternatives considered for possible local implementation. These alternatives include methods for separating recyclable materials from the waste stream such as curbside and mobile collection



systems, drop off and buy-back recycling centers, material recovery operations, salvage at solid waste facilities, changes in zoning and building codes to encourage recycling, changes in rate structures, changes to procurement programs to give purchase preferences and changes in solid waste handling methods to preserve the integrity of recovered materials. Specificity of the alternatives discussed is up to the discretion of the local jurisdiction. However, the evaluation criteria selected by the local jurisdiction shall be identified and defined. If the criteria have been ranked for the selection of a diversion alternative, then a definition must be included that describes the ranking methodology.

2. **Program Selection.** The component contains an identification and description of the recycling diversion programs selected for implementation, monitoring and evaluation. Decisions on which programs were selected shall be up to the discretion of the local jurisdiction. The selection process and decision shall be based on criteria established by the local jurisdiction. That criteria shall be included in the text of the component.
3. **Market Development.** The component contains a discussion of the local market development activities that have, and/or will, occur within the local jurisdiction or region that stimulate the use of postconsumer waste materials as raw materials for feedstock by private business, industry, and commerce. Discussion includes active participation in areas such as: procurement measures, applying for designation as a market development zone; encouraging economic, regulatory (i.e., relaxing or suspending locally originated or modified building codes, zoning laws and general plans) or tax incentives (i.e., elimination or reduction of construction taxes or business license taxes); making land use decisions to encourage the development of commercial, industrial, or manufacturing purposes; and other incentives such as providing for the expansion of infrastructure and for providing for increased amounts of recyclable feedstock. If a market development zone has been created or is anticipated in the future within the region or local jurisdiction, then the component contains that discussion as well.

## Adequacy of Composting Component

1. **Evaluation of Alternatives.** The component contains an evaluation of composting diversion program alternatives considered for possible local implementation. These alternatives include composting programs which take materials source separated from the municipal solid waste stream or separated at a centralized waste processing facility. Specificity of the alternatives discussed is up to the discretion of the local jurisdiction. However, the evaluation criteria selected by the local jurisdiction shall be identified and defined.
2. **Program Selection.** The component contains an identification and description of the composting diversion programs selected for implementation, monitoring and evaluation. Decisions on which programs were selected shall be up to the discretion of the local jurisdiction. The selection process and decision shall be based on criteria established by the local jurisdiction. That criteria shall be included in the text of the component.
3. **Market Development.** The component contains a discussion of the local market development activities that have, and/or will occur within the local jurisdiction or region that stimulate the use of postconsumer waste materials generated as raw materials used as feedstock by private business, industry, and commerce. Discussion may include active participation in areas such as: applying for designation as a market development zone; encouraging economic, regulatory (i.e., relaxing or suspending locally originated or modified building codes, zoning laws and general plans); making land use decisions to encourage the development of commercial purposes; and other incentives such as providing for the expansion of infrastructure and for providing for increased amounts of recyclable feedstock. If a market development zone has been created or one is anticipated in the future within the region or local jurisdiction, then the component contains that discussion as well.

## [SRRE Component List](#)

## Adequacy of Special Waste Component

The component addresses the local jurisdiction's existing special waste program and includes a plan to reduce the hazard potential of special wastes by waste type found in the data generated in the Solid Waste Generation Study. Specific special waste categories are addressed in the component including sludge (sewage and industrial), ash, asbestos, auto shredder waste, auto bodies, and other special wastes.

1. **Evaluation of Alternatives.** The component contains an evaluation of identified special wastes identified in the SWGS for which there is no permitted handling or disposal method within the jurisdiction.
2. **Program Selection.** The component contains an identification and description of the special waste programs selected for implementation, monitoring, and evaluation. Decisions on which programs were selected shall be up to the discretion of the local jurisdiction. The selection process and decision shall be based on criteria established by the local jurisdiction.

## [SRRE Component List](#)

### Adequacy of Disposal Facility Capacity Component

1. **Combined Permitted Disposal Capacity.** The component identifies and describes all existing permitted landfills and transformation facilities within the jurisdiction. It also contains the combined permitted disposal capacity for each permitted disposal facility within the jurisdiction. A disposal facility needs projection estimating the additional disposal capacity, in cubic yards per year, is also included. The projection must be calculated using the equation provided in [CCR section 18744](#). This calculation projects the need for capacity needed to handle the generation of solid waste within the jurisdiction for a 15-year period.
2. **Agreements for Importation/Exportation.** The component contains a description of the solid waste generated in the jurisdiction that is imported and/or exported to disposal facilities through interjurisdictional agreements, or memorandums of understanding, with other cities, counties, or states. A copy of the agreement or memorandum of understanding is included in the component. This requirement is only needed if a jurisdiction is claiming disposal capacity in another jurisdiction.

## [SRRE Component List](#)

### Funding Component

The component describes the cost estimates for the source reduction, recycling, composting, special waste and public information and education programs scheduled for planning, development, and implementation in the SRRE. It also identifies revenue sources to support those programs. Sources of contingency funding are addressed in this component. Contingency funding can be identified by a list of possible revenue sources, such as tipping fees.

## [SRRE Component List](#)

### Adequacy of Public Education and Information Component

1. **Target Audience.** The component contains a description of the solid waste generators or sources that will be targeted in education and public information programs. Targeted generators or sources can include residential, commercial, industrial, or other sources, based on the data compiled in the SWGS conducted for the individual jurisdiction. In addition to the identification of targeted generators or sources, these groups may be categorized in the component by subgroups, such as hospitals, retail and wholesale trade, stores, business offices, military installations, single family and multi-family dwellings, factories, refineries, etc.
2. **Program Selection.** The component contains an identification and description of the public education and information programs selected for implementation, monitoring, and evaluation. Decisions on which programs were selected shall be up to the discretion of the local jurisdiction. The selection process and decision shall be based on criteria established by the local jurisdiction. The criteria shall be included in the text of the component.

## [SRRE Component List](#)

### Adequacy of Integration Component

1. **Prioritization of Selected Programs.** The component contains an explanation of how the selected source reduction, recycling, composting, and special waste programs combine to meet the 25 percent and 50 percent mandates. The

explanation describes the solid waste management practices which fulfill the legislative mandates of promoting waste management in the hierarchy outlined in PRC section 40051.

2. **Master Implementation Schedule.** The component contains a master schedule that indicates all implementation tasks for new and expanded solid waste diversion programs. The schedule contains a title for each task, task start date and milestone date, entity implementing the task, and schedule for funding source availability.
3. **Achievement of Mandates.** The component contains an explanation of how each of the programs selected jointly achieve the 25 percent and 50 percent diversion mandates. The explanation includes a discussion of how the local jurisdiction determined the priorities between the components.
4. **Contingency Measures and Milestones.** The component contains a description of contingency diversion programs that may be implemented by the local jurisdiction. The contingency programs are based on the local jurisdiction's determination after results are obtained from the selected and implemented diversion programs in each component or if an event in local, state or national conditions changes. The contingency diversion programs must also be included in the master implementation schedule, indicating triggered events, tasks and milestones.

### [SRRE Component List](#)

## [Statutory, Regulatory and Content Adequacy Requirements](#)

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The following is a discussion of the statutory, regulatory and content adequacy requirements of a SRRE, HHWE, NDFE, CSE and CIWMP. This section contains what staff proposes to focus on during the review of an element and plan to determine and define adequacy.

The review and recommendation focuses on the portions of the elements and plans that are of the highest priority to review during a very tightly compressed timeframe (April through December 1994) when 512 individual SRREs and NDFEs are submitted to CalRecycle and adequacy must be decided within 120 days of receipt.

- [Source Reduction and Recycling Element \(SRRE\) Adequacy](#)
- [Household Hazardous Waste Element \(HHWE\) Adequacy](#)
- [Nondisposal Facility Element \(NDFE\) Adequacy](#)
- [Countywide Siting Element \(CSE\) Adequacy](#)
- [Countywide Integrated Waste Management Plan \(CIWMP\) Adequacy](#)

## Submittal Process

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AB 440 (Sher, Chapter 1169, Statutes of 1993) establishes certain time frames for local jurisdictions to submit their Source Reduction and Recycling Element (SRRE) and Nondisposal Facility Element (NDFE) to CalRecycle for review and to determine if the SRREs and NDFEs comply with state law. Those timeframes for submittal are April 30, 1994 for jurisdictions with less than eight years of remaining disposal capacity; August 30, 1994 for jurisdictions with eight to 15 years of remaining disposal capacity; and, December 31, 1994 for jurisdictions with 15 or more years of remaining disposal capacity. There will be a total of 531 individual SRREs and individual NDFEs submitted to CalRecycle during this time period.

In addition to the submittal requirements discussed above, local jurisdictions will be required, under AB 440, to submit by October 1, 1994, a progress report on their achievement in meeting the diversion requirements.

CIWMPs, which will comprise a Summary Plan, HHWEs and CSEs, will be submitted to CalRecycle within 12 or 18 months after the Office of Administrative law formally approves the Siting Element and Integrated Waste Management Plan regulations. Statute requires counties with less than 8 years of remaining disposal capacity to submit their CIWMPs within 12 months and counties with 8 years or more, to submit their CIWMPs within 18 months.

### CIWMPs Due within 12 Months of Final Regulations

Counties with less than 8 Years Remaining Disposal Capacity:

- Alpine
- Contra Costa
- Del Norte
- El Dorado
- Kings
- Los Angeles

- Madera
- Merced
- Napa
- Nevada
- San Mateo
- Tuolumne

### CIWMPs Due within 18 Months of Final Regulations

Counties with 8 Years or More Remaining Disposal Capacity:

- Alameda
- Amador
- Butte
- Calaveras
- Colusa
- Fresno
- Glenn
- Humboldt
- Imperial
- Inyo
- Kern
- Lake
- Lassen
- Marin
- Mariposa
- Mendocino
- Modoc
- Mono
- Monterey
- Orange
- Placer
- Plumas
- Riverside
- Sacramento

- San Benito
- San Bernardino
- San Diego
- San Francisco
- San Joaquin
- San Luis Obispo
- Santa Barbara
- Santa Clara
- Santa Cruz
- Shasta
- Sierra
- Siskiyou
- Solano
- Sonoma
- Stanislaus
- Sutter/Yuba
- Tehama
- Trinity
- Tulare
- Ventura
- Yolo

Elements and plans will be formally submitted to CalRecycle and forwarded to the local assistance staff. CalRecycle must take action on the adequacy of a jurisdiction's element within 120 days of receipt. Local assistance staff and board staff will have approximately 90 days to review the SRREs, HHWEs, NDFEs, CSEs, and CIWMPs, analyze them for adequacy and make recommendations for approval or disapproval within the 120 day time period. Within 60 days of receipt of a SRRE, CalRecycle must notify a jurisdiction if additional documentation is required to substantiate baseyear diversion claims for agricultural waste, inerts, scrap metals and white goods.

Local assistance staff have the responsibility to manage the submittal and evaluation process, which includes the overall review, comment, and recommendation for the various element and plan reviews. Local assistance staff will



establish timelines for staff to follow to coordinate the analyses, preparation of comments, CalRecycle presentations, and issuances of notices of deficiency.

The following has been identified for the local assistance staff:

1. Accept receipt of a SRRE, HHWE, NDFE, CSE and CIWMP;
2. Distribute documents to board staff as necessary, establish timelines and deadlines;
3. Review documents within the prescribed time allowed under law for adequacy;
4. Analyze the element and plan for adequacy and verify targeted materials were selected for diversion, reduction, recycling or reuse;
5. Analyze the element and plan for adequacy and verify integration of source reduction, recycling, composting, and public education and information components occurred;
6. Analyze the element and plan for adequacy and verify funding sources are identified;
7. Verify that claimed diversion rate percentages are supported by appropriate diversion programs identified in the SRRE and verify a program description confirms the claimed diversion;
8. Coordinate and consolidate CalRecycle staff analyses and comments;
9. Prepare Planning Committee and CalRecycle Meeting agenda items and present the items;
10. Make recommendations on the adequacy of the elements and plans and whether CalRecycle should approve or disapprove the elements and plans; and
11. Prepare notices of deficiencies as necessary.

The following has been identified for the board staff:

1. Review SWGS for adequacy within the prescribed time allowed under law;
2. Analyze the SWGS for adequacy; evaluate and determine that sampling methodologies used meet CalRecycle's regulatory requirements;
3. Evaluate claims for baseline diversion of agricultural wastes, inerts, scrap metals and white-coated major appliances to determine if the claims are substantiated with appropriate documentation so they count toward diversion requirements;

4. Review supporting environmental documentation to ensure a local jurisdiction complied with the California Environmental Quality Act (CEQA) by preparing and certifying the environmental impact report and negative declaration for the element was complete;
5. Provide analyses, comments, and recommendations on the SWGS to local assistance staff for inclusion in the agenda item;
6. Provide testimony on the SWGS at Planning Committees and CalRecycle meetings; and
7. Assist in the preparation of notices of deficiency, as necessary.