

# Petition for Reduced Diversion Requirements for Rural Jurisdictions

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## Eligibility

A jurisdiction may petition for a reduced diversion requirement if it can be defined as a “rural city,” a “rural county,” or a “rural regional agency,” and if it meets certain [specific criteria](#).

## Policy

It is CalRecycle’s policy to consider and act on petitions for reduction in the 50 percent diversion requirement based upon a collective evaluation of a standard set of criteria. These criteria determine, as nearly as possible, whether a jurisdiction can meet the diversion requirement and whether it has made a good faith effort to do so.

Based on this evaluation, CalRecycle will approve, modify, or disapprove a request for reduction. CalRecycle may set an appropriate, alternative medium-term diversion requirement. Every two or four years, a review is conducted of the conditions upon which the reduction was granted to determine whether to revise the terms of or revoke the reduction.

The following guidelines identify the information that a jurisdiction should submit to CalRecycle to substantiate its petition for reduced diversion requirements for 2000 (and beyond), as well as other relevant information.

Rural jurisdictions wanting to request a reduction should contact their [local assistance representative](#) for details on the process.

## Criteria

### Waste Stream Criteria

#### **1. Is there a lower than average per capita disposal rate?**

A jurisdiction's per capita disposal rate provides a relative indication of the potential for diversion. An analysis of the county's waste stream may reveal that there are fewer significant waste types than in other jurisdictions, so the opportunities for diversion are limited.

#### **2. What is the total waste loading compared to the statewide total?**

This is a general indicator of the cost-effectiveness and cost/benefit of diversion programs in a jurisdiction compared to other areas of the state. For example, one county generates .003 percent of the state's waste stream while another generates 10 percent. This may mean that the former county cannot take advantage of economies of scale.

#### **3. What percentage of the waste stream is residential, commercial, and industrial?**

For example, an analysis of one county reveals that there is no industrial waste and very little commercial waste from only 30 businesses. So the opportunities for diversion are different.

#### **4. Are there significant wastes types for which no programs have been implemented or for which programs are inadequate? Is there a significant waste generator in the jurisdiction that is not diverting materials? If so, explain why.**

For example, a city may have a business that generates a large amount of of a particular material. If it is justified that there is no program for recycling this material, e.g., markets are not available, etc., then it is possible that the city's 50 percent diversion goal could be reduced.

**5. Are there large waste types that cannot be recycled? If so, explain why.**

For example, a county may have a significant amount of sewage sludge in the waste stream that cannot be diverted. This means that relatively greater amounts of other waste types must be diverted to reach the statewide diversion mandates. This may not be cost-effective or feasible.

**6. Has source reduction been considered for those materials that cannot be recycled? If source reduction is not a feasible alternative, explain why.**

For example, a nursery may be able to reuse empty pots, flats, tubs, and barrels in which plants and trees are shipped.

## **Geographic, Demographic and Economic Criteria**

**1. Does the climate hinder implementation of programs?**

For example, mountain counties that receive a significant amount of snow each year may have difficulty collecting recyclables during the winter.

**2. Are there major geographical barriers that hinder the planning and implementation of programs?**

For example, some counties have mountains which divide those jurisdictions into separate watersheds. This may make it more costly to collect and transport recyclables.

**3. Is the jurisdiction located a significant distance from the major markets for its materials?**

For example, a jurisdiction may be hundreds of miles from a sea port or regional processing facility which can accept the materials it is collecting. The greater the distance between the jurisdiction and its markets, the more it costs to haul recyclables and the less profitable or feasible it may become to divert materials.

**4. Is the population widely dispersed or is there a small population which makes it difficult and expensive to collect recyclables?**

For example, a county with scattered pockets of population may not be able to collect the volume of recyclable material that makes diversion cost-effective.

## **5. Is the jurisdiction's tax base limited by significant State or federal ownership of land?**

For example, the land in some counties is owned mostly by the State or federal governments. Although some revenue may be generated for counties through the management of these lands, this revenue is generally not available for the implementation of diversion programs. Only a small percentage of land can generate property tax revenue or business taxes for these counties.

## **6. Is the jurisdiction experiencing severe economic distress, relatively high unemployment, or above-average poverty?**

This is an indicator of a jurisdiction's ability to generate revenue to fund diversion programs.

## **7. Is the jurisdiction pursuing every feasible means of generating revenue to fund diversion programs?**

For example, has a jurisdiction explored tipping fees, collection fees, parcel charges, variable can rates, grants and loans, [Recycling Market Development Zone](#) designation, and cooperative marketing.

# **Current Programs and Short-term Goal Achievement**

## **1. Did the jurisdiction achieve the 25 percent goal? If not, why not?**

The answer to this question may uncover reasons why it is or is not feasible to meet the 50 percent mandate. For example, markets may be distant or the volume of recyclables may be low. It may also provide an indication of the jurisdiction's willingness to implement diversion programs.

## **2. What diversion programs are currently in place? How effective are they?**

This information provides an indication of the jurisdiction's overall willingness and ability to meet the diversion mandates.

## **3. Is the jurisdiction working cooperatively with other jurisdictions?**

This information provides an indication of a jurisdiction's willingness and ability to overcome potential obstacles to diversion. It also indicates opportunity for diversion.

#### **4. Is the jurisdiction receiving diversion or market assistance from CalRecycle?**

This information indicates a jurisdiction's willingness to seek help in overcoming potential obstacles to diversion. It also uncovers opportunities for diversion.

#### **5. Is the jurisdiction promoting waste prevention consistent with the hierarchy identified in PRC section 40051?**

In order to answer this question, a jurisdiction must describe the waste prevention programs which are currently being implemented. Do those programs target major waste types? Is the jurisdiction using waste prevention educational materials prepared by CalRecycle or other sources?

### **Proposed Programs**

#### **1. Are programs, aside from SRRE contingency programs, proposed to increase the level of diversion?**

This information provides an indication of a jurisdiction's commitment to the intent of the Integrated Waste Management Act, and the potential for long-term success in waste reduction.

#### **2. Is it feasible to develop additional programs or bolster existing programs to increase the level of diversion?**

#### **3. What role will waste prevention play in future diversion efforts?**

Continuing diversion will depend on an educated and informed public.

### **Unique Criteria**

These criteria are generally specific to each jurisdiction. This provides an opportunity for consideration of issues not provided in the above criteria that may be unique to a jurisdiction.

A jurisdiction should therefore submit all of the following information with the appropriate documentation attached. A jurisdiction can submit the necessary information using CalRecycle's Petition for Reduced Diversion Requirements for Rural Jurisdictions sheets with supporting documentation attached.

# Links to Pertinent Statutes and Regulations

## Statutes

- [Public Resource Code \(PRC\) section 41787](#)

## Regulations

- [Title 14 of the California Code of Regulations \(CCR\) 18775](#)
- [Title 14 of the CCR 18774.5](#)

## Rural Home

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