



March 23, 2020

The Honorable Marty Simonoff
Mayor
City of Brea
1 Civic Center Circle
Brea, CA 92821

Subject: Postponement of Public Hearing to Consider Issuance of Compliance Order
for Failure to Adequately Implement California's Recycling of Organics
Waste Law

Dear Mayor Simonoff:

On February 14, 2020, the Department of Resources Recycling and Recovery (Department) sent the City of Brea (City) a letter to formally notify the City that the Department would be considering issuing the City a Compliance Order regarding the City's noncompliance with California's Recycling of Organic Waste law, referred to as the Mandatory Commercial Organics Recycling (MORe) law (Public Resources Code (PRC) section 42649.8-42649.87) (Attachment).

On March 17, 2020, Department staff communicated to City staff that the public hearing was postponed until further notice due to connectivity issues with the City participating remotely in the public hearing.

Accordingly, until such time that the Department send the City a 30-day notice to reschedule the public hearing I request that the City keep the Department's Jurisdiction Compliance Unit (JCU) staff apprised of the on-going efforts to implement the City's MORe program.

Should you have any questions about this letter please contact Alan Ilusorio at (916) 322-1896 or by email at Alan.Ilusorio@calrecycle.ca.gov.

Sincerely,

Original signed by Mark de Bie on March 23, 2020

Mark de Bie, Deputy Director
Waste Permitting, Compliance, and Mitigation Division

Attachment: 30-Day Notice of Intent to Issue the City of Brea a Compliance Order
for Failure to Adequately Implement California's Recycling of
Organic Waste Law

cc: Tony Olmos, Public Works Director, City of Brea
Gillian Lobo, Senior Management Analyst, City of Brea
Alan Ilusorio, JCU Supervisor, Department of Resources Recycling and Recovery
Jocelyn Trejo-Arce, JCU Staff, Department of Resources Recycling and Recovery
Case File

California Environmental Protection Agency



Department of
Resources Recycling and Recovery

Gavin Newsom
California Governor

Jared Blumenfeld
Secretary for Environmental Protection

Ken DaRosa
CalRecycle Acting Director

February 14, 2020

Certified Mail 7018 0680 0000 9827 9164

The Honorable Marty Simonoff
Mayor
City of Brea
1 Civic Center Circle
Brea, CA 92821

Subject: 30-Day Notice of Intent to Issue the City of Brea a Compliance Order for
Failure to Adequately Implement California's Recycling of Organic Waste Law

Dear Mayor Simonoff:

The purpose of this letter is to formally notify the City of Brea (City) that the Department of Resources Recycling and Recovery (Department) will be considering issuing the City a Compliance Order regarding the City's noncompliance with California's Recycling of Organic Waste law, referred to as Mandatory Commercial Organics Recycling (MORE) (Public Resources Code (PRC) section 42649.8-42649.87).

Department of Resources Recycling and Recovery Public Hearing

Date: March 17, 2020
Time: 1:30 pm
Location: Joe Serna Jr., Cal/EPA Building
Sierra Hearing Room
1001 I Street, 2nd Floor
Sacramento, CA 95814

Department staff strongly recommends that you or your City's representative(s) attend the public hearing. At the public hearing, the City's representative(s) will have an opportunity to present the City's program implementation efforts, and any other special circumstances the City would like the Department to consider. The representative(s) should also be prepared to answer any questions from the Department.

Department staff has conducted a jurisdiction review of the City's implementation and compliance with the MORE law. Based on this review, Department staff found that the City has not implemented the requirements of the MORE law. During the review, Department staff considered whether the City made a good faith effort (as defined in the statute) to implement its commercial organics recycling program. As part of this review, the Department considered, but is not limited to, the factors presented in PRC

section 42649.82 (h)(1)-(10). Department staff found that the City has not made a good faith effort to comply with the requirements of the MORE law. Based on Department staff's observations and information gathered, deficiencies in program implementation include, but are not limited to:

- The City did not implement a commercial organic waste recycling program designed to divert organic waste from businesses within the City which are subject to PRC section 42649.81.
- The City did not provide documentation supporting the efforts it has taken to monitor and notify businesses and multi-family complexes of noncompliance with the MORE law (PRC section 42649.82 (d)(1)(C)).
- The City's Annual Reports for the review period did not fully document the City's progress in implementing the requirements of the MORE law (PRC section 42649.82 (f)(2)).

As part of the Compliance Order, the City would be directed to develop a Local Implementation Plan (LIP). The LIP will identify a strategy for program enhancements and local actions necessary to enable the City to meet the requirements of the MORE law. Failure to meet the requirements of the Compliance Order may result in civil penalties of up to \$10,000 per day.

The full public hearing packet will be available on our website at <https://www.calrecycle.ca.gov/PublicMeeting> ten days before the public hearing.

Should you have any questions about this letter or the upcoming public hearing, please contact Alan Ilusorio at (916) 322-1896 or by email at Alan.Ilusorio@calrecycle.ca.gov.

Respectfully,

Original signed by Trevor O'Shaughnessy on February 14, 2020

Trevor O'Shaughnessy, Manager
Jurisdiction and Product Enforcement Section
Department of Resources Recycling and Recovery

cc: Gillian Lobo, City of Brea
Alan Ilusorio, Department of Resources Recycling and Recovery
Jocelyn Trejo-Arce, Department of Resources Recycling and Recovery
Case File