

REQUEST FOR APPROVAL

To: Zoe Heller, Deputy Director
Materials Management and Local Assistance Division

From: Cara Morgan, Branch Chief
Local Assistance and Market Development Branch

Request Date: July 11, 2022

Decision Subject: Regional Waste Management Authority (RWMA) Regional Agency Formation Agreement for the Counties of Sutter and Yuba as well as the Cities of Live Oak, Marysville, Wheatland, and Yuba City

Action By: August 16, 2022

Summary of Request:

Effective November 1, 2021, the Regional Waste Management Authority (RWMA) amended its existing Joint Power Agreement (JPA) to include the provisions for an amended Regional Agency Formation Agreement. The RWMA is requesting approval of the amended Agreement for the Counties of Sutter and Yuba as well as the Cities of Live Oak, Marysville, Wheatland, and Yuba City. Public Resources Code (PRC) Section 40970 et seq. allows cities and counties to form regional agencies for the purpose of meeting the mandates of the Integrated Waste Management Act (i.e., Assembly Bill 939 [AB 939]). Other changes in the law make it convenient for the parties to specifically allocate authority amongst themselves.

In 2021, the JPA was amended in whole. The new agreement recognizes and authorizes the RWMA to comply with the requirements of AB 939 and associated regulations; to own and operate the Yuba-Sutter Household Hazardous Waste Facility; to reimburse the Yuba County Environmental Health Department on a quarterly basis for the cost (net of grant and fee revenues) for provision of the Local Enforcement Agency (LEA); to comply with the requirements of SB 1383 and associated regulations, AB 1826, and AB 341 and associated regulations; and to expressly designate the RWMA as the responsible authority to coordinate, administer and implement compliance with SB 1383 on behalf of the parties.

Also in 2021, pursuant to the authority of the JPA, the member agencies to the JPA entered into an amended regional agency agreement. The purpose of the agreement was to form a separate but related Regional Agency pursuant to PRC section 40970 et seq. to implement source reduction, recycling, and composting programs consistent with the amended JPA.

Recommendation:

Staff is recommending approval of the amended Regional Waste Management Authority Regional Agency Formation Agreement as it has met the statutory requirements through development of a Joint Powers Agreement that includes all the statutorily required provisions for the creation of a Regional Agency. The submitted documents related to the amended Formation Agreement were reviewed by CalRecycle staff and legal counsel and are found to be complete.

Deputy Director Action:

On the basis of the information and analysis in this Request for Action and the findings set out herein, I hereby approve the request to approve the amended and the new Regional Waste Management Authority (RWMA) Formation Agreements.

Dated: 8/16/2022

Signed by Zoe Heller

Zoe Heller, Deputy Director
Local Assistance and Market Development

Attachments:

1. Regional Agency Formation Request Letter, November 1, 2021
2. Revised JPA Agreement dated November 1, 2021 (amending and restating agreements dated July 1, 1990, July 1, 1994, July 1, 2001)
3. Regional Agency Formation Agreement, November 1, 2021

Background and Findings

The Regional Waste Management Authority (RWMA) was formed in 1990, under a Joint Powers Agreement (JPA), to address solid waste management issues for its member jurisdictions. At that time, the RWMA was referred to as the Bi-County Integrated Waste Management Authority. The membership of the JPA consists of the Counties of Sutter and Yuba as well as the Cities of Marysville, Wheatland, and Yuba City.

In 1994, the JPA was amended in whole to add the City of Gridley, to change the name of the agency to the RWMA, and to make minor unrelated changes.

In 2001, the JPA was again amended in whole to delete the City of Gridley as a party to the agreement; to make other related and unrelated amendments to the original agreement to further refine both the terms of the original agreement and the specific powers of the RWMA; and, to allow for future changes in municipal solid waste planning requirements.

In 2021, the JPA was amended in whole. The new agreement recognizes and authorizes the RWMA to comply with the requirements of AB 939 and associated regulations; to own and operate the Yuba-Sutter Household Hazardous Waste Facility; to reimburse the Yuba

County Environmental Health Department on a quarterly basis for the cost (net of grant and fee revenues) for provision of the Local Enforcement Agency (LEA); and to comply with the requirements of SB 1383 and associated regulations, AB 1826, and AB 341 and associated regulations; and to expressly designate the RWMA as the responsible authority to coordinate, administer and implement compliance with SB 1383 on behalf of the parties.

Also in 2021, pursuant to the authority of the JPA, the member agencies to the JPA entered into an amended regional agency agreement. The purpose of the agreement was originally to form a separate but related Regional Agency pursuant to PRC section 40970 et seq. implement source reduction, recycling, and composting programs consistent with the amended JPA.

Formally acting as a Regional Agency will allow the RWMA to consolidate integrated waste management program reporting, disposal reporting and diversion program reporting for its member cities. Also, membership in the RWMA will serve the legislative intent of reducing the cost of compliance while increasing the diversion of solid waste from disposal facilities, increasing source reduction, recycling, composting, and achieving other state policies and goals.

The RWMA is requesting approval of the revised Regional Agency Formation Agreement. This request represents the process for implementing PRC Sections 40970 and 40975 that allows jurisdictions to form regional agencies, and requires any agreement forming a Regional Agency to be submitted to CalRecycle for review and approval.

All members of the RWMA agree to be active participants in the efforts to meet and maintain the goals of AB 939, AB 1826, AB 341, SB 1383, and associated regulations. Under the amended Regional Agency Formation Agreement, the member jurisdictions plan to continue implementation of those programs specified in their respective Source Reduction and Recycling Elements to achieve and maintain diversion requirements.

Staff has determined that the required Regional Agency Formation Agreement provisions required by PRC Section 40975(b) have been adequately addressed.