



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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May 6, 2013

Steven Lederer
Director, Napa County Department of Public Works
1195 3rd Street, Suite 101
Napa, CA, 94559-3035

Dear Mr. Lederer:

We are writing regarding the status of CalRecycle's most recent review of whether the Upper Valley Waste Management Agency is in compliance with meeting AB 939 requirements, most importantly in terms of implementing diversion programs. Public Resources Code (PRC) Section 41825 specifies a schedule for this review and requires CalRecycle to make an independent evaluation and finding of whether each jurisdiction was in compliance with PRC Section 41780 during the review period. As a result of this review, CalRecycle may find that:

- 1) A jurisdiction is meeting the requirements of AB 939 because:
 - a. it has adequately implemented its diversion programs and has achieved the diversion requirement; or
 - b. while it has not achieved the diversion requirement, it has made a good faith effort to implement diversion programs; or
- 2) A jurisdiction has failed to adequately implement its SRRE and/or HHWE and the process should commence to consider whether issuance of a compliance order would be appropriate. Jurisdictions that fail to satisfy the conditions of a compliance order may be subject to a fine of up to \$10,000 per day.

The 2007-2011 Jurisdiction Review has been finalized. CalRecycle has found that the Upper Valley Waste Management Agency is meeting the requirements of AB 939. We commend the Upper Valley Waste Management Agency for continuing to dedicate resources to meeting the requirements of AB 939. Your efforts are helping to conserve natural resources, strengthen the State's economy, and reduce greenhouse gas emissions.

We also want to note that as the economy rebounds businesses will likely produce more, consumers will buy more, and construction will increase. While this would be great news, we consequently also expect that more solid waste will be generated and discarded. As result, continuing the Upper Valley Waste Management Agency diversion programs is critical to ensuring continued compliance with AB 939. In particular, in addition to meeting and maintaining the requirements of AB 939, the Upper Valley Waste Management Agency is responsible for implementing the Mandatory Commercial Recycling education, outreach and monitoring requirements of AB 341. Staff has identified some areas of assistance that may become challenging and could impact jurisdiction disposal and recycling programs in the future. These areas will require increased coordination amongst the Agency, the Unincorporated County, and its member cities of Calistoga, St. Helena, and Yountville in developing consistent programs and policies to address the following issues:

- Continue to provide outreach and incentives to residential and commercial customers to increase participation in the curbside recycling program, lower the amount of contaminants in the curbside recycling program, and further decrease residential and commercial disposal.
- Increasing coordination amongst each member city's and County building/permitting and solid waste and recycling staff to ensure that the requirements of the Green Building Standards Code (CALGreen) are being promoted, implemented, and monitored as related to the diversion of



construction and demolition debris from covered projects. It is CalRecycle's understanding that there is no Agency oversight or tracking of the private sector construction or demolition projects.

- Add language to local emergency plans for post-disaster C&D management, along with transient waste management, as Napa County is identified as a Bay Area evacuation/escapee zone for major disasters.
- Development and integration, amongst all member city's and County departments, of a purchasing policy related to the procurement of environmentally-friendly and products manufactured with post-consumer recycled content.

To ensure that the Upper Valley Waste Management Agency is poised address these issues, implement mandatory commercial recycling, and to continue implementing its diversion programs to handle the anticipated increase in solid waste disposal, Christopher Bria from CalRecycle's Local Assistance and Market Development (LAMD) Branch will contact you to set up your annual site visit.

In conclusion, we are pleased that the Upper Valley Waste Management Agency has been found to be in compliance with PRC Section 41780 as part of the 2007-2011 Jurisdiction Review. At the same time, we are looking to the future and want to work with you to ensure the continued success of the jurisdiction's overall diversion efforts. If you have any questions, please contact your LAMD representative, Christopher Bria at (916) 324-3560 or christopher.bria@calrecycle.ca.gov

Sincerely,



Howard Levenson
Deputy Director
Materials Management and Local Assistance Division



Cara Morgan
Branch Chief
Local Assistance and Market Development Branch



Mitch Delmage
Section Manager
Bay Area Section

cc:
David Briggs
Environmental Resource Specialist