



Upper Valley Waste Management Agency Board Agenda Letter

TO: Board of Directors
FROM: Steven Lederer - Manager
Upper Valley Waste Management Agency
REPORT BY: Steven Lederer, Director of Environmental Management - 253-4471
SUBJECT: Inaccurate Landfill Reports Affecting Fees Paid to UVA

RECOMMENDATION

DISCUSSION AND POSSIBLE ACTION: Agency Manager to Provide A Report on a Recently Identified Error in Landfill Tonnage and its Possible Effect on UVA Landfill Surcharge Fees

EXECUTIVE SUMMARY

The Local Enforcement Agency (LEA) was recently notified of an error in CFL monthly reporting of landfill tonnage. A certain amount of material, including diatomaceous earth, glass shards, and screened fines, were used as alternative daily cover (ADC) even though these materials were not authorized by the LEA as ADC. Since UVA is paid a landfill surcharge on waste disposed, but not on ADC, it is conceivable that UVA is owed money for disposal of these materials.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Local Enforcement Agency (LEA) was recently notified of an error in CFL monthly reporting of landfill tonnage. A certain amount of material, including diatomaceous earth, glass shards, and screened fines, were used as alternative daily cover (ADC) even though these materials were not authorized by the LEA as ADC. Since UVA is paid a landfill surcharge on waste disposed, but not on ADC, it is conceivable that UVA is owed money for disposal of these materials.

Attached please find an LEA report which identifies the issue in question, and a summary (prepared by the company) which provides amended reports back to April of this year and identifies the possible revenue impact of these amended reports.

The LEA, Environmental Management, and UVA have met and discussed with CFL reporting requirements periodically for the past two years, starting in approximately 2008. The effort was to gain an understanding of the background detail or methodology used to identify the tonnage of solid waste, recyclables, ADC, C/D etc. recieved/process. CFL hired a consultant to review, recommend, and implement a system to allocated tonnages and incorporate into the various reports. It was our assumption that the new reporting as a result of this effort was accurate, but recently the LEA was notified that the methodology for calculating ADC tons was not correct.

The Agency Manager has identified several ways to approach this matter and seeks Board input and direction.

Option 1: The company has apparently commenced proper reporting and payments as of September. The Board could determine that no additional fees prior to September are due based on the fact that the material used, even though it was not authorized, did act as ADC. The company is applying to the LEA to get the material approved in the future, thus rendering this as "just a paperwork issue".

Option 2: The LEA became aware of the inaccurate reporting around April of this year, though the full extent was not clear until sufficient investigation was completed. Since the issue was identified in April, and before that time neither the LEA nor the company was aware of the problem, the Board could request additional fees dating to April, which would amount to an additional \$9,426.27 coming to the agency.

Option 3: CFL commenced using these materials some time in late 2008. The Board could request a detailed accounting back to that time and attempt to obtain fees back to the original use of the materials, even though neither the LEA nor the company were aware that there was an issue with **inaccurate reporting**.

Option 4: The company is having a similar discussion with the Board of Equalization, which also receives fees based on landfill tonnage. The UVA Board could choose to table this issue and simply do whatever the BOE chooses to do.

Option 5: Alternative approach recommended by the Board.

Board discussion and direction is requested.

SUPPORTING DOCUMENTS

A . LEA Inspection Report

B . Amended ADC Landfill Report

Recommendation: Approve

Reviewed By: Steven Lederer