



Rural Counties
Environmental Services
Joint Powers Authority

ESJPA

Board of Directors Meeting

Thursday
June 20, 2024
9:00 A.M.

1215 K St., Suite 1650
Sacramento, CA 95814
916-447-4806



**Rural Counties
Environmental Services
Joint Powers Authority**

ESJPA

CHAIR — MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR — LORI PARLIN, EL DORADO COUNTY
EXECUTIVE DIRECTOR — PATRICK BLACKLOCK

TECHNICAL ADVISORY GROUP (TAG)

TAG CHAIR — TEDD WARD, DEL NORTE COUNTY
TAG VICE CHAIR — NARCISA UNTAL, SOLANO COUNTY
DEPUTY EXECUTIVE DIRECTOR — STACI HEATON

Rural Counties Environmental Services Joint Powers Authority Board of Directors & Technical Advisory Group Meeting

**1215 K St., Suite 1650
Sacramento, CA 95814**

Thursday, June 20, 2024 9:00 a.m. – 3 p.m.

**Additional Teleconference Locations are Listed on the
Last Page of this Agenda**

(All Teleconference Locations are Accessible to the Public)

This meeting will also be livestreamed for public access. Members of the public can watch or listen to the meeting using one of the following methods:

1. Join the Zoom meeting application on your computer, tablet or smartphone:

Go to: <https://rcrcnet.zoom.us/j/85338041477>

Enter Password: 215531

2. Call-in and listen to the meeting:

Dial (877) 853-5247

Enter meeting ID: 853 3804 1477

Passcode: 215531

PUBLIC COMMENT USING ZOOM: Members of the public who join the Zoom meeting, either through the Zoom app or by calling in, will be able to provide live public comment at specific points throughout the meeting.

EMAIL PUBLIC COMMENT: One may also email public comment to jlunn@rcrcnet.org before or during the meeting. All emailed public comments will be forwarded to all ESJPA Board of Directors members.

Only those items that indicate a specific time will be heard at the assigned time. All other items may be taken out of sequence to accommodate the Board, the staff, and the general public. Indicated time allocations are for planning purposes only and actual times will vary from those indicated.

I. Call to Order, Self-Introductions, and Determination of Quorum

- A. Overview of Meeting Procedures – Staci Heaton, ESJPA Deputy Executive Director. *(5 minutes)*

II. Business Matters

Discussion and possible action related to the following:

- A. Approval of Minutes from the Meeting of March 14, 2024 **(ACTION)** – Supervisor Michael Kobseff, ESJPA Chair. *(pgs. 2-6; 5 minutes)*
- B. Approval of Minutes from the Meeting of April 3, 2024 **(ACTION)** – Supervisor Michael Kobseff, ESJPA Chair *(pgs. 7-8; 5 minutes)*
- C. ESJPA Supporting the Confirmation of Zoe Heller, Director, California Department of Resources Recycling and Recovery (CalRecycle) **(ACTION)** – Staci Heaton *(pgs. 9-10; 5 minutes)*
- D. Proposed ESJPA Participating Entity Membership Program **(ACTION)** – Staci Heaton *(pgs. 11-12; 10 minutes)*
- E. Approval of the ESJPA 2023 Audited Financial Statements **(ACTION)** – Milena De Melo, RCRC Controller *(pgs. 13-45; 10 minutes)*

III. Public Comment

Any person may address the Board on any matter relevant to the Authority's business, but not otherwise on the agenda.

IV. Presentations

- A. Electronic Annual Reporting: A Rural-Specific Example – Marshalle Graham, Local Assistance and Market Development Branch, CalRecycle *(15 minutes)*
- B. "Property Insurance: The Outlook for California's Market" – Staci Heaton *(15 minutes)*
- C. Report from CalRecycle – Jill Larner, Local Assistance and Market Development Branch *(10 minutes)*

Special Guest

Zoe Heller, Director

California Department of Resources Recycling and Recovery

11:00 a.m.

V. Legislative Update

(Supplemental Packet, 15 minutes)

(This item may be heard at any time during the meeting depending upon the availability of staff) Discussion of Legislation – John Kennedy, RCRC Senior Policy Advocate

Legislation discussed will include but will not be limited to:

- Assembly Bill 2902 (Wood) – RCRC Sponsor
- Senate Bill 1232 (Grove)
- Senate Bill 1175 (Ochoa Bogh)
- Assembly Bill 2346 (Lee)
- Senate Bill 1143 (Allen)

****Morning Break****

VI. Member County Concerns/Comments

VII. Solid Waste/Regulatory Update

Discussion and possible action related to the following:

- A. CalRecycle
 - a. SB 54 Implementation – Tedd Ward, Del Norte County, John Kennedy, and Staci Heaton *(10 minutes)*
 - b. SB 1383 Implementation – Larry Sweetser, Sweetser and Associates, and Staci Heaton *(5 minutes)*
 - c. Illegal Dumping – Larry Sweetser *(5 minutes)*
 - d. CRV Program Updates – Larry Sweetser and John Kennedy *(5 minutes)*
 - e. Electronic Annual Reporting – Larry Sweetser *(5 minutes)*
 - f. Covered Electronic Waste – Larry Sweetser *(5 minutes)*
- B. State Water Resources Control Board
 - a. MS4 Cost Reporting Policy – Larry Sweetser *(pgs. 47-64; 5 minutes)*
- C. Department of Toxics Substances Control
 - a. Program Updates – Larry Sweetser *(5 minutes)*
- D. U.S. EPA Battery Collection Best Practices and Labeling Guidelines – Larry Sweetser *(5 minutes)*
- E. Extended Producer Responsibility
 - California Product Stewardship Council Update – Nate Pelczar, Director of Administration, CPSC *(5 minutes)*
 - National Stewardship Action Council Update – Jordan Wells, Director of Advocacy and Communication, National Stewardship Action Council *(5 minutes)*

- Mattress Recycling Council Update – Christine Messer, Northern California Program Coordinator *(5 minutes)*
 - PaintCare Update – Monica Choi, Northern California Coordinator, PaintCare *(5 minutes)*
- F. Grant Program Update *(5 minutes)*
- a. ESJPA Ongoing and Potential Grants – Larry Sweetser and Eric Will, Policy and Local Assistance Manager
 - b. SB 1383 Local Assistance Grants – Larry Sweetser
- G. Highlights of March-June 2024 CalRecycle Monthly Meetings – Larry Sweetser *(pgs. 65-110; 5 minutes)*
- H. Other Regulatory Announcements/Issues of Interest
- Cal EPA CUPA Newsletters *(pgs. 111-126)*
 - Household Hazardous Waste Contracts and Pricing
- I. Agenda Suggestions, Member County Presentation Volunteer, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday, August 15, 2024

VIII. Articles of Interest

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IX. Adjournment

Lunch Break

Technical Advisory Group Breakout Session 1 p.m.

New Emission Inventory Requirements for Solid Waste Facilities in California—Pat Sullivan, SCS Engineers

SB 1383 Check-In

Meeting facilities are accessible to persons with disabilities. By request, alternative agenda document formats are available to persons with disabilities. To arrange an alternative agenda document format or to arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting, please call (916) 447-4806 at least 48 hours before the meeting.

Agenda items will be taken as close as possible to the schedule indicated. Any member of the general public may comment on agenda items during the public comment period. To facilitate public comment, please let staff know if you would like to speak on an agenda item. The agenda for this meeting of the Board of Directors of Rural Counties Environmental Services Joint Powers Authority was duly posted at its offices, 1215 K Street, Suite 1650, Sacramento, California, at least 72 hours prior to the meeting.

Any written materials related to an open session item on this agenda that are submitted less than 24 hours prior to the meeting, and that are not exempt from disclosure under the Public Records Act, will promptly be made available for public inspection at ESJPA's principal office, 1215 K Street, Suite 1650, Sacramento, CA 95814, (916) 447-4806, during normal business hours, and on the ESJPA website, <https://www.esjpa.org>.

Additional Teleconference Location(s)

Del Norte Solid Waste Management Authority Conference Room 1700 State Street Crescent City, CA 95531	Imperial County Department of Public Works 155 S. 11th Street El Centro, CA 92243
Mono County Civic Center Convict Lake Room 1290 Tavern Road Mammoth Lakes, CA 93546	Siskiyou County Board of Supervisors Chambers 311 Fourth Street Yreka, CA 96097
Tehama County Solid Waste Management Agency Administrative Office 20000 Plymire Road Red Bluff, CA 96080	

Agenda Item II

BUSINESS MATTERS



Rural Counties
Environmental Services
Joint Powers Authority
ESJPA

CHAIR — MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR — LORI PARLIN, EL DORADO COUNTY
EXECUTIVE DIRECTOR — PATRICK BLACKLOCK

TECHNICAL ADVISORY GROUP (TAG)

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TAG VICE CHAIR — NARCISA UNTAL, SOLANO COUNTY
DEPUTY EXECUTIVE DIRECTOR — STACI HEATON

**Rural Counties Environmental Services Joint Powers Authority
Board of Directors & Technical Advisory Meeting Minutes**

**1215 K St., Suite 1650
Sacramento, CA 95814**

Thursday, March 14, 2024

VOTING MEMBERS PRESENT

Jeff Gardner
Valerie Meza
Michael Azevedo
Tedd Ward
Supervisor Lori Parlin
Jose Castenada
Lars Ewing
Jared Carter
Demetrice Crump
Supervisor Rhonda Duggan
Sean Graham
Mladen Bandov
Supervisor Michael Kobseff
Rachel Ross-Donaldson
Supervisor Ryan Campbell

Amador County
Butte County
Colusa County
Del Norte County
El Dorado County
Imperial County
Lake County
Madera County
Mariposa County
Mono County
Plumas County
San Luis Obispo
Siskiyou County
Tehama County
Tuolumne County

STAFF IN ATTENDANCE

Staci Heaton, Deputy Executive Director
Larry Sweetser, ESJPA Consultant
John Kennedy, Senior Policy Advocate
Eric Will, Policy and Local Assistance Manager
Brian Briggs, Deputy General Counsel
Julie Lunn, Office Coordinator

Rural Counties ESJPA
Sweetser and Associates, Inc.
RCRC Governmental Affairs
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GUEST SPEAKERS

Jeffrey Lin, CalRecycle
Melissa Vargas, CalRecycle
Joanne Brasch, California Product Stewardship Council
Christine Messer, Mattress Recycling Council
Jordan Wells, National Stewardship Action Council

Monica Choi, PaintCare

I. Call to Order, Self-Introductions, and Determination of Quorum

Supervisor Michael Kobseff, ESJPA Chair, called the meeting to order at 9:03 a.m. A quorum was determined at that time, and Staci Heaton, ESJPA Deputy Executive Director, gave an overview of meeting procedures in accordance with the Brown Act.

II. Business Matters

A. Approval of Minutes from the Meeting of December 7, 2023 (ACTION)

The Board considered minutes from the December 7, 2023 meeting for approval. Motion/Second to approve the minutes by Mono County/Amador County. Motion approved unanimously.

- B. Ms. Heaton gave a brief update on implementation of the 2023-25 ESJPA Business Plan, noting that meetings have begun with the ESJPA and TAG chairs and vice chairs to discuss a potential affiliate membership program.

III. Public Comment

None noted.

IV. Presentations

A. Farm and Ranch Grant Program –Jeffrey Lin, CalRecycle

Jeffrey Linn, CalRecycle, gave a detailed presentation on CalRecycle’s Farm and Ranch Grant Program and how members can apply for and use grant funding for their programs.

B. Vape Pens, What Are You Gonna Do?

Larry Sweetser, Sweetser and Associates, gave a presentation on vape pens and how jurisdictions can deal with their collection and disposal.

C. Report from CalRecycle

Melissa Vargas, CalRecycle, issued a number of updates from the Department, including noting that CalRecycle’s SB 1383 monthly “chats” are available for online viewing and resumed in January 2024. Ms. Vargas also discussed open grant and loan cycles, which would be followed up in a written report to be distributed by ESJPA.

V. Legislative Update

John Kennedy, RCRC Senior Policy Advocate, gave updates on the status of a number of state legislative measures, including:

- Assembly Bill 2902 (Wood) – RCRC Sponsor
- Senate Bill 1232 (Grove)
- Senate Bill 1175 (Ochoa Bogh)
- Assembly Bill 2346 (Lee)
- Senate Bill 1143 (Allen)

VI. Member County Concerns/Comments

None noted.

VII. Solid Waste/Regulatory Update

The Board received brief updates on the progress of the following:

A. CalRecycle

- SB 54 Implementation

Tedd Ward, Del Norte County, Mr. Kennedy and Ms. Heaton gave an update on the status of implementing regulations under development at CalRecycle. Mr. Kennedy noted that RCRC intended to file comments on the initial draft.

- SB 1383 Implementation

Discussion was deferred to the check-in portion of the afternoon TAG session.

- RDRS Regulations

Mr. Sweetser noted that the regulations are in effect as of January 1, 2024.

- Illegal Dumping

Mr. Sweetser discussed the Advisory Committee's recent meeting and noted that he would be presenting on some changes to state illegal dumping programs at the afternoon TAG session.

- CRV Program Updates

Mr. Sweetser and Mr. Kennedy gave updates on the state's CRV program and how they would impact member jurisdictions.

B. State Water Resources Control Board

Mr. Sweetser noted that the Water Board would be releasing updated water quality fee schedules later in the spring.

C. Department of Toxic Substances Control

Mr. Sweetser gave brief updates on a variety of DTSC programs.

D. California Air Resources Board

Ms. Heaton updated the Board on the status of the Advanced Clean Fleets rule, noting that CARB was entertaining some amendments to the public fleets portion of the rule due to legislation passed in 2023.

E. Extended Producer Responsibility

The Board received updates on the activities and policies impacting the following:

- California Product Stewardship Council Update – Joanne Brasch

Ms. Brasch gave updates on a number of bills sponsored by CPSC.

- National Stewardship Action Council Update – Jordan Wells

Ms. Wells gave updates on bills being pursued by NSAC as well as NSAC's SB 54 working group.

- Mattress Recycling Council Update – Taylor Grimes, California Special Projects Coordinator

Ms. Grimes gave updates on the status of several MRC programs.

- PaintCare Update – Monica Choi

Ms. Choi gave several updates on the status of PaintCare programs in ESJPA jurisdictions.

F. Grant Program Update – Larry Sweetser and Eric Will

Mr. Sweetser and Mr. Will gave updates on ESJPA ongoing grant programs as well as upcoming external grant opportunities.

G. Highlights of December 2023-February 2024 CalRecycle Meetings

Mr. Sweetser noted the lack of ESJPA member jurisdictions on CalRecycle enforcement schedules.

VIII. Agenda Suggestions, Presentation Requests/Ideas, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday, June 20, 2024

ESJPA was asked to discuss ideas internally for the June meeting.

IX. Adjournment

The meeting was adjourned at 12:30 p.m.



**Rural Counties
Environmental Services
Joint Powers Authority**

ESJPA

CHAIR — MICHAEL KOBSEFF, SISKIYOU COUNTY
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EXECUTIVE DIRECTOR — PATRICK BLACKLOCK

TECHNICAL ADVISORY GROUP (TAG)

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TAG VICE CHAIR — NARCISA UNTAL, SOLANO COUNTY
DEPUTY EXECUTIVE DIRECTOR — STACI HEATON

**Rural Counties Environmental Services Joint Powers Authority
Board of Directors *SPECIAL MEETING***

**1215 K St., Suite 1650
Sacramento, CA 95814**

Wednesday, April 3, 2024

VOTING MEMBERS PRESENT

Jeff Gardner
Tedd Ward
Supervisor Lori Parlin
Lars Ewing
Demetrice Crump
Supervisor Rhonda Duggan
Supervisor Sue Hoek
Mladen Bandov
Supervisor Michael Kobseff
Narcisa Untal
Rachel Ross-Donaldson

Amador County
Del Norte County
El Dorado County
Lake County
Mariposa County
Mono County
Nevada County
San Luis Obispo
Siskiyou County
Solano County
Tehama County

STAFF IN ATTENDANCE

Staci Heaton, Deputy Executive Director
Larry Sweetser, ESJPA Consultant
John Kennedy, Senior Policy Advocate
Eric Will, Policy and Local Assistance Manager
Brian Briggs, Deputy General Counsel
Julie Lunn, Office Coordinator

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Sweetser and Associates, Inc.
RCRC Governmental Affairs
RCRC
RCRC
RCRC

I. Call to Order, Self-Introductions, and Determination of Quorum

Supervisor Michael Kobseff, ESJPA Chair, called the meeting to order at 1:03 p.m. A quorum was determined at that time, and Staci Heaton, ESJPA Deputy Executive Director, gave an overview of meeting procedures in accordance with the Brown Act.

II. Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54)

John Kennedy, RCRC Senior Policy Advocate, Tedd Ward, Del Norte County, and Larry Sweetser, Sweetser and Associates led a discussion on draft regulations proposed by

CalRecycle to implement the provisions of SB 54. Feedback was taken from the ESJPA Board of Directors in order to formulate comments on the draft to submit to CalRecycle.

III. Public Comment

None noted.

IV. Adjournment

The meeting was adjourned at 3:05 p.m.



TECHNICAL ADVISORY GROUP (TAG)

MEMORANDUM

To: ESJPA Board of Directors

From: Staci Heaton, ESJPA Deputy Executive Director
John Kennedy, RCRC Senior Policy Advocate

Date: June 17, 2024

RE: ESJPA Supporting the Confirmation of Zoe Heller, Director, California
Department of Resources Recycling and Recovery (CalRecycle) - ACTION

Summary

This memo addresses the possibility of ESJPA supporting the confirmation of Zoe Heller as Director of CalRecycle. If approved, ESJPA would convey its support during the confirmation process in the State Senate.

Background

Under the State's Constitution, the Governor is afforded a large number of appointments to head various state agencies. Furthermore, the Governor appoints hundreds of individuals to various state and regional boards and commissions. Most, but not all, senior appointments require the advice and consent of the State Senate. The review of gubernatorial appointments is primarily conducted by the Senate's Rules Committee, which is chaired by the Senate President pro Tempore (the effective leader of the State Senate). The Senate Rules Committee is comprised of five members – currently three Democrats and two Republicans. Assuming the consent of the Rules Committee, the name is subsequently brought to the Senate Floor for consideration. The overwhelming majority of appointees are subject to majority vote approval; however, some must be confirmed by a 2/3rds vote. Typically, an appointment by the Governor allows an individual to be seated immediately; however, Senate confirmation must occur within one year of the appointment.

Issue

Zoe Heller was appointed Director of CalRecycle by Governor Gavin Newsom in May 2024, succeeding Rachel Machi-Wagoner in the position. Heller began her time in California at the U.S. EPA Pacific Southwest Office in 2006, where she spent more than 10 years in various programs, including three years managing the Zero Waste section and two years as Special Assistant to Regional Administrator. Heller began her time at CalRecycle in 2017 and has served as deputy director over the Office of Policy, head of CalRecycle's Division of Mixed

Materials and Local Assistance and, most recently, being named the Department's first deputy director over the Division of the Circular Economy in May 2023.

During her time at CalRecycle, Heller has been a valuable partner to ESJPA solid waste jurisdictions. Throughout the implementation of complex regulatory mandates such as organics recycling as required by AB 1826 and SB 1383, Heller has been solutions-oriented and consistently willing to work with jurisdictions to solve difficult issues, help remove barriers to compliance and provide technical guidance and clarifications. Heller has also made herself available to ESJPA and its members to work through the complicated policy issues surrounding solid waste and recycling while demonstrating an understanding that rural jurisdictions face unique challenges not present in more urban communities. Heller has repeatedly participated in meetings both with ESJPA's Board of Directors and individually with ESJPA members to discuss and entertain dialogue on some of CalRecycle's most complicated regulatory programs.

Staff Recommendation

ESJPA staff recommends the ESJPA Board of Directors support the gubernatorial appointment of Zoe Heller during the confirmation process in the State Senate.



TECHNICAL ADVISORY GROUP (TAG)

MEMORANDUM

To: ESJPA Board of Directors

From: Staci Heaton, ESJPA Deputy Executive Director

Date: June 17, 2024

RE: Creation of an ESJPA Participating Entity Program – ACTION

Summary

This memo contains recommendations for an ESJPA Participating Entity Program, which would expand ESJPA's reach beyond RCRC member counties. Creation of the Program also requires the Board to authorize the ESJPA Executive Director and Deputy Executive Director to develop, execute, and terminate Participation Agreements with Participating Entities

Background

The Board of Directors approved the 2023-25 ESJPA Business Plan in December 2022, the first ever business plan undertaken by ESJPA. As part of that plan, ESJPA was directed to establish a working group of ESJPA delegates and/or alternates and make recommendations to the Board on the establishment of an affiliate membership program.

Issue

In early 2024, ESJPA convened the Chairs and Vice Chairs of the Board of Directors and Technical Advisory Group (TAG) to form a working group to discuss a framework for a program to allow public entities that administer and manage solid waste, recycling, composting, and/or household hazardous waste facilities, services, and programs, and that are otherwise not eligible to join through an RCRC member county, to join ESJPA in an affiliate capacity. The working group's recommendations to establish a program are as follows:

- Non-RCRC participants will be known as Participating Entities to harmonize with other RCRC affiliate organizations.
- Participating Entities will have access to all ESJPA benefits, including, but not limited to, technical support, participation in grants and grant assistance, and intervention with state and federal agencies and departments. Participating Entities will **not** be entitled to assign delegates or alternates to the ESJPA Board of Directors, and their

presence will not count towards a quorum of the Board during ESJPA Board of Directors meetings.

- Any public entity that administers and manages solid waste, recycling, composting, and/or household hazardous waste facilities, services, and programs, and that is otherwise not eligible to join through an RCRC member county is eligible to become a Participating Entity. This includes cities, non-RCRC counties, special districts with solid waste responsibilities, and joint powers authorities.
- ESJPA staff is directed to work with RCRC to establish a dues structure for participating entities with the following baselines: Annual dues begin at \$7,000 and increase based on population. Dues for small population entities that serve less than 30,000 will be set at \$4,000 annually for entities within RCRC member counties and \$5,000 for all other small population entities.
- Participating Entity status will be established through execution of a memorandum of understanding (“Participation Agreement”) with eligible entities under Government Code sections 6500 et seq. and Section 6.d of the ESJPA Joint Exercise of Powers Agreement (JEPA). In accordance with Section 9.b of the JEPA, the ESJPA Executive Director and Deputy Executive Director would be authorized to develop, execute, and terminate Participation Agreements, thereby admitting (or removing) Participating Entities consistent with the provisions set forth in this memo.
- ESJPA will develop a plan to market the program to the appropriate target entities.

The ESJPA Joint Exercise of Powers Agreement contains separate provisions authorizing “Associate Members” of ESJPA (Sections 4.d and 7.e). However, “associate membership” is limited to entities “with legal power and authority similar to that of the Members” (which could exclude many special districts and JPAs), and “associate members” are provided with certain specific rights different from those noted above (e.g., to propose agenda items). The proposed Participating Entity Program is intended to be open to a broader group of public entities, with more flexible terms.

Staff Recommendation

ESJPA staff recommends the ESJPA Board of Directors approve the Participating Entity Program structure described in this memo, as presented by the working group, and authorize the ESJPA Executive Director and Deputy Executive Director to develop, execute, and terminate Participation Agreements with Participating Entities.



To: ESJPA Board of Directors
From: Milena De Melo, RCRC Controller
Date: June 13, 2024
Re: Approval of the ESJPA 2023 Audited Financial Statements – **ACTION**

Summary

Attached are the Rural Counties' Environmental Services Joint Power Authority (ESJPA) audited financial statements as of and for the year ended December 31, 2023, issued by Moss Adams LLP. The financial statements contain an unmodified ("clean") audit opinion. The auditors also issued a communication letter to Those Charged with Governance as required by auditing standards generally accepted in the United States of America as well as Government Auditing Standards, issued by the Comptroller General of the United States. In summary, the communication states that there were no significant matters identified during the audit and no audit adjustments were proposed or made to the original trial balance prepared by management.

The financial statements and communication letter to Those Charged with Governance provide information useful to Board of Directors members in exercising their fiduciary responsibility. These financial statements are presented to the ESJPA Board of Directors for review and approval.

Recommendation

It is recommended that the ESJPA Board of Directors review and approve the 2023 audited financial statements and communication letter to Those Charged with Governance as presented.

Attachments

- ESJPA 2023 Audited Financial Statements
- Communications to Those Charged with Governance



Report of Independent Auditors and
Financial Statements

**Rural Counties' Environmental Services
Joint Powers Authority**

December 31, 2023

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Management's Discussion and Analysis (unaudited)

**Rural Counties' Environmental Services
Joint Powers Authority
Management's Discussion and Analysis (unaudited)
Year Ended December 31, 2023**

This section presents management's discussion and analysis of Rural Counties' Environmental Services Joint Powers Authority (the Authority) financial performance for the year ended December 31, 2023. Please read it in conjunction with the financial statements and notes thereto, which follow this section.

FINANCIAL HIGHLIGHTS

The liabilities of the Authority exceeded its assets at December 31, 2023, by \$17,527 (net deficit). The Authority's total net position decreased by \$92,946 (123.2%) from December 31, 2022 to December 31, 2023.

OVERVIEW OF THE FINANCIAL STATEMENTS

The Authority's basic financial statements include the (1) statement of net position (deficit), (2) statement of activities, (3) balance sheet – general fund, (4) statement of revenues, expenditures, and changes in fund balance – general fund, and (5) notes to basic financial statements. This report also contains required and other supplementary information in addition to the basic financial statements.

The statement of net deficit and the statement of activities (Government-Wide Financial Statements) display information about the Authority as a whole. The Government-Wide Financial Statements are prepared using the economic resources measurement focus and the accrual basis of accounting. Revenues are recognized when earned and expenditures are recognized when a liability is incurred, regardless of the timing of the related cash flows.

The balance sheet – general fund and statement of revenues, expenditures, and changes in fund balance – general fund (Fund Financial Statements) present the accounts and transactions of the single fund that comprises the accounts of the Authority. The Fund Financial Statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they become both measurable and available.

While the Government-Wide Financial Statements and the Fund Financial Statements are prepared using a different basis of accounting, the differences are not significant enough to require reconciliations showing the difference between the statement of net position (deficit) and the balance sheet and the differences between the statement of activities and the statement of revenues, expenditures, and changes in fund balance.

Government-wide and fund financials – There is no difference between the activity reported in the statement of activities and statement of revenues, expenditures, and changes in fund balance – general fund, as there are no capital assets or long-term liabilities that would create differences between the modified accrual basis of accounting used in the fund financials and the full accrual basis of accounting used in the government-wide financials. The government fund is comprised of one major fund, the general fund, which is the general operating fund of the Authority. The general fund is used to account for all of the Authority's financial resources.

The notes to basic financial statements provide additional information that is essential to a full understanding of the Authority's financial statements.

**Rural Counties' Environmental Services
Joint Powers Authority
Management's Discussion and Analysis (unaudited)
Year Ended December 31, 2023**

Also included in this annual report are schedules of budgeted revenues and expenditures compared to actual amounts. The schedule of revenues, expenditures, and changes in fund balance – budget and actual is prepared using budgetary accounting principles under which encumbrances are used in budget control as a reduction of available budget amount. Encumbrances outstanding at year end do not constitute expenditures or liabilities.

**Government-Wide Financial Reporting
FINANCIAL ANALYSIS
Condensed Statement of Net Position (Deficit)
December 31, 2023 and 2022**

	Governmental Activities		Increase (Decrease)	
	2023	2022	\$	%
Assets				
Cash and restricted cash	\$ 35,049	\$ 163,093	\$ (128,044)	-78.5%
Receivables	55,379	8,091	47,288	584.5%
Total assets	<u>\$ 90,428</u>	<u>\$ 171,184</u>	<u>\$ (80,756)</u>	<u>-47.2%</u>
Liabilities				
Payables	\$ 11,245	\$ 1,869	\$ 9,376	501.7%
Unearned revenue and grant advances	96,710	93,896	2,814	3.0%
Total liabilities	<u>107,955</u>	<u>95,765</u>	<u>12,190</u>	<u>12.7%</u>
Net position				
Net (deficit) position, unrestricted	<u>\$ (17,527)</u>	<u>\$ 75,419</u>	<u>\$ (92,946)</u>	<u>-123.2%</u>

The condensed statement of net position (deficit) reflects a snapshot of the Authority's financial position at a given moment in time. As of December 31, 2023, the Authority's net deficit was \$17,527, a decrease of \$92,946 (123.2%) from a net position at December 31, 2022. The decrease in net position was primarily due to increase in administration costs, offset in part by contribution from affiliated entity. The decrease in total assets of \$80,756 (47.2%) and the increase in total liabilities of \$12,190 (12.7%) result from timing differences primarily related to collections and payments from grant activities and membership dues.

**Rural Counties' Environmental Services
Joint Powers Authority
Management's Discussion and Analysis (unaudited)
Year Ended December 31, 2023**

**Condensed Statement of Activities
Years Ended December 31, 2023 and 2022**

	Governmental Activities		Increase (Decrease)	
	2023	2022	\$	%
Program expenses				
Solid waste programs	\$ 93,294	\$ 38,872	\$ 54,422	140.0%
Administration	413,748	301,583	112,165	37.2%
Total program expenses	<u>507,042</u>	<u>340,455</u>	<u>166,587</u>	<u>48.9%</u>
Program and general revenues				
Operating grants and contracts	93,294	38,872	54,422	140.0%
Contribution from affiliated entity	175,002	150,000	25,002	16.7%
Membership dues and other	145,800	138,800	7,000	5.0%
Total program and general revenues	<u>414,096</u>	<u>327,672</u>	<u>86,424</u>	<u>26.4%</u>
Change in net position	(92,946)	(12,783)	(80,163)	627.1%
Net position, beginning of year	75,419	88,202	(12,783)	-14.5%
Net (deficit) position, end of year	<u>\$ (17,527)</u>	<u>\$ 75,419</u>	<u>\$ (92,946)</u>	<u>-123.2%</u>

The condensed statement of activities reflects activity that has occurred during the period of time covered. For the year ended December 31, 2023, solid waste programs revenues increased by \$54,422 (140.0%) due to higher grant activity. As grant revenue provides for a reimbursement of grant expenses for solid waste programs, expenses increased by \$54,422 (140.0%) accordingly. Administration expenses increased by \$112,165 (37.2%) primarily due to an increase in technical support services paid to an affiliated entity offset by lower computer maintenance and support. Contribution from affiliated entity increased by \$25,002 (16.7%) as ESJPA received a contribution from Rural County Representatives of California (RCRC), an affiliated entity to assist ESJPA as it evaluates implementation of a longer-term business plan. Member dues and other revenues increased by \$7,000 due to addition of one new member county.

FUND LEVEL FINANCIAL REPORTING

As noted earlier, the Authority uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

**Rural Counties' Environmental Services
Joint Powers Authority
Management's Discussion and Analysis (unaudited)
Year Ended December 31, 2023**

BUDGETARY COMPARISON

**Comparison of Budget and Actual Revenues, Expenses, and Change in Net (Deficit) Position
Year Ended December 31, 2023**

	Original Budget	Revised Budget	Actual	Actual Over (Under) Revised Budget	
				\$	%
Program expenses					
Solid waste programs	\$ 130,000	\$ 130,000	\$ 93,294	\$ (36,706)	-28.2%
Administration	445,260	419,660	413,748	(5,912)	-1.4%
Total expenses	575,260	549,660	507,042	(42,618)	-7.8%
Program and general revenues					
Operating grants and contracts	130,000	130,000	93,294	(36,706)	-28.2%
Contribution from affiliated entity	200,000	175,000	175,002	2	0.0%
Membership dues and other	142,800	142,800	145,800	3,000	2.1%
Total revenues	472,800	447,800	414,096	(33,704)	-7.5%
Change in net (deficit) position	\$ (102,460)	\$ (101,860)	\$ (92,946)	\$ 8,914	8.8%

The Authority's change in net (deficit) position was favorable by \$8,914 (8.8%) compared to the revised budget primarily due to lower than budgeted administration expenses. Administration expenses were lower than final revised budget by \$5,912 (1.4%) with the savings realized for various administrative expenses including conferences, miscellaneous expenses and staff travel and reimbursement. The amount of actual grant revenue was \$36,706 (28.2%) less than the revised budget, and grant expenditures were \$36,706 (28.2%) less than the revised budget due to the Authority participating in a decreased level of grant activity than originally anticipated. Membership dues were greater than the revised budget by \$3,000 (2.1%) due to addition of one new member county to the Authority.

The Authority's annual budget is determined by the Authority's management and approved by the Authority's Board of Directors. The annual budget is set as the amounts necessary to fund operating and grant costs.

FUTURE ECONOMIC OUTLOOK

The Authority anticipates continued participation in the California Department of Resources Recycling and Recovery's (Cal Recycle) Used Oil Program through 2023. In addition, the Authority will participate in the U.S. Department of Agriculture Rural Utilities Service Grant. The 2024 budget takes into consideration expansion of initiatives as defined in the 2023-2025 ESJPA business plan and approved by the Board of Directors and includes another contribution from RCRC to support these new initiatives.

REQUESTS FOR INFORMATION

This financial report is designed to provide a general overview of the Authority's finances. Questions concerning any of the information provided in this report or requests for additional information should be addressed to the Chief Financial Officer, 1215 K Street, Suite 1650, Sacramento, CA, 95814.

Report of Independent Auditors

The Board of Directors
Rural Counties' Environmental Services Joint Powers Authority

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities and major fund of Rural Counties' Environmental Services Joint Powers Authority (the Authority) as of and for the year ended December 31, 2023, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and major fund of Rural Counties' Environmental Services Joint Powers Authority as of December 31, 2023, and the respective changes in its financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards (Government Auditing Standards)*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Authority and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Authority's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Authority's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 2 through 5 and the general fund – budgetary comparison schedule on page 20 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Authority's basic financial statements. The schedule of revenues, expenditures, and changes in fund balance by grant is presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of revenues, expenditures, and changes in fund balance by grant is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated June 5, 2024, on our consideration of Rural Counties' Environmental Services Joint Powers Authority's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of Rural Counties' Environmental Services Joint Powers Authority's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Rural Counties' Environmental Services Joint Powers Authority's internal control over financial reporting and compliance.

A handwritten signature in cursive script that reads "Moss Adams LLP".

Sacramento, California
June 5, 2024

Basic Financial Statements

**Rural Counties' Environmental Services
Joint Powers Authority
Statement of Net Deficit
December 31, 2023**

	Governmental Activities
ASSETS	
Assets	
Cash and restricted cash	\$ 35,049
Accounts receivable	180
Grants receivable	<u>55,199</u>
Total assets	<u>\$ 90,428</u>
LIABILITIES	
Liabilities	
Accounts payable	\$ 8,046
Accounts payable to affiliated entities	3,199
Unearned revenue	74,400
Grant advances	<u>22,310</u>
Total liabilities	<u>\$ 107,955</u>
NET DEFICIT	
Net deficit, unrestricted	<u><u>\$ (17,527)</u></u>

See accompanying notes.

**Rural Counties' Environmental Services
Joint Powers Authority
Statement of Activities
Year Ended December 31, 2023**

	Governmental Activities
<hr/>	
PROGRAM EXPENSES	
Solid waste programs	\$ 93,294
Administration	413,748
	<hr/>
Total program expenses	507,042
	<hr/>
PROGRAM AND GENERAL REVENUES	
Operating grants and contracts	93,294
Contribution from affiliated entity	175,002
Membership dues	145,800
	<hr/>
Total program and general revenues	414,096
	<hr/>
Change in net position	(92,946)
Net position, beginning of year	75,419
	<hr/>
Net deficit, end of year	\$ (17,527)
	<hr/> <hr/>

See accompanying notes.

**Rural Counties' Environmental Services
Joint Powers Authority
Balance Sheet – General Fund
December 31, 2023**

ASSETS

Current assets	
Cash and restricted cash	\$ 35,049
Accounts receivable	180
Grants receivable	<u>55,199</u>
Total assets	<u><u>\$ 90,428</u></u>

LIABILITIES AND FUND BALANCE

Current liabilities	
Accounts payable	\$ 8,046
Accounts payable to affiliated entities	3,199
Unearned revenue	74,400
Grant advances	<u>22,310</u>
Total liabilities	<u>107,955</u>
Fund balance, unassigned	<u>(17,527)</u>
Total liabilities and fund balance	<u><u>\$ 90,428</u></u>

See accompanying notes.

**Rural Counties' Environmental Services
Joint Powers Authority**
Statement of Revenues, Expenditures, and Changes in Fund Balance – General Fund
Year Ended December 31, 2023

Revenues	
Intergovernmental grants and contracts	\$ 93,294
Contribution from affiliated entity	175,002
Membership dues	<u>145,800</u>
Total revenues	<u>414,096</u>
Expenditures	
Solid waste grants on behalf of member counties	93,294
Technical support services	390,000
Other	<u>23,748</u>
Total expenditures	<u>507,042</u>
Excess of expenditures over revenues	(92,946)
Fund balance, beginning of year	<u>75,419</u>
Fund balance, end of year	\$ <u>(17,527)</u>

See accompanying notes.

Rural Counties' Environmental Services Joint Powers Authority Notes to Basic Financial Statements

Note 1 – Summary of Significant Accounting Policies

Reporting entity – Rural Counties' Environmental Services Joint Powers Authority (the Authority) is a joint powers authority of county governments in rural counties of the state of California, engaged in the exercise of an essential governmental function. The purpose of the Authority is to develop and fund programs to provide for solid waste planning, solid waste services, cooperative marketing, regulatory advocacy, and other environmental services, as well as to provide a forum for mutual support, to strengthen the liaison with state government, and to secure and disseminate information of common interest relating to environmental issues. Twenty-seven member counties participate in the Authority, which is governed by a Board of Directors. Each of the Authority's Board members is a member of the Board of Supervisors in their member county.

The Authority contracts with various organizations and businesses to provide specialized services as needed to administer and implement programs as determined by the Authority's Board of Directors. Rural County Representatives of California (RCRC), a California nonprofit mutual benefit corporation, provides various administrative and technical support services to the Authority. RCRC was organized to serve and strengthen county and local governments through definition, study, and actions relative to problems affecting the member counties and their resources to include but not be limited to those of social, economic, environmental, and ecological importance. Technical support services provided by RCRC include salaries and wages, benefits, and related costs (Note 3).

The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing government accounting and financial reporting principles. The more significant of the Authority's accounting policies are described below.

Government-wide financial statements – The statement of net deficit and statement of activities include the financial activities of the Authority. The Authority is only engaged in governmental activities, which are normally supported by intergovernmental revenues and charges for services.

The statement of activities presents a comparison between direct expenses and program and general revenues for each function of the Authority. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a specific function. Program revenues include charges for services, membership dues, and grants that are restricted to meeting operating requirements. General revenues include donated services from RCRC for the value of contract support services fee it would have otherwise paid in the amount of \$175,002.

Fund financial statements – Separate fund financial statements are provided for the Authority's general fund. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Authority uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The fund financial statements focus on the near-term inflows and outflows of available expendable resources. Such information may be useful in evaluating a government's near-term financing requirements.

Basis of accounting – The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

Rural Counties' Environmental Services Joint Powers Authority

Notes to Basic Financial Statements

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. The general fund is the general operating fund of the Authority. It is used to account for all of the Authority's financial resources. Grant revenues are recognized as soon as all eligibility requirements imposed by the provider have been met, provided they are measurable and available. All other revenues of the Authority are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay the liabilities of the current period. For this purpose, the Authority considers revenues to be available if they are collected within ninety days from year end. Expenditures are recorded when a liability is incurred.

When both restricted and unrestricted resources are available for use, it is the Authority's policy to use restricted resources first, then unrestricted resources as they are needed.

Cash and cash equivalents – The Authority considers all highly liquid investments with a maturity of three months or less when purchased to be cash and cash equivalents.

Restricted cash – Restricted cash includes funds held for projects and is restricted as to its use. As of December 31, 2023, cash balances of \$22,310 was restricted.

Grants and accounts receivable – As of December 31, 2023, receivables are comprised of funds due from granting agencies and member counties. ESJPA does not maintain an allowance against grants receivable as the funds are reimbursable based on the grant agreement.

Grant advances – The Authority receives funds in advance of expenditure for some grants. These funds are refundable at the termination of the respective grant period if not expended for their intended purpose. As a result, the Authority recognizes a liability equal to the amount of funds collected and unspent for these grants. Funds received by the Authority are not segregated from the general operating accounts of the Authority.

Unearned revenue – Counties are assessed membership dues on July 1 of each year. The dues cover a one-year period from July 1 to June 30 and are recognized ratably over that period. Unearned revenue represents funds received for membership dues from the period from January 1 to June 30, 2024.

Fund balance classifications – The fund balance classifications for balance sheet presentation are as follows:

- *Nonspendable fund balance* – Amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact. The Authority does not have any nonspendable fund balances as of December 31, 2023.
- *Restricted fund balance* – Amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws and regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation. The Authority does not have any restricted fund balances as of December 31, 2023.

Rural Counties' Environmental Services Joint Powers Authority

Notes to Basic Financial Statements

- *Committed fund balance* – Amounts that can only be used for specific purposes determined by formal action of the government's highest level of decision making authority (the Board of Directors) that remain binding unless the commitments are removed in the same manner. The Authority does not have any committed fund balances as of December 31, 2023.
- *Assigned fund balance* – Amounts that are constrained by the Authority's intent to be used for specific purposes. The intent can be established by either the governing body itself, or by a body or an official designated for that purpose. The Authority does not have a formal policy to determine the action needed to create an assigned fund balance because the Authority does not have any assigned fund balances at December 31, 2023.
- *Unassigned fund balance* – The residual amount of fund balance not classified in other fund balance categories. The Authority's entire fund balance is classified as unassigned at December 31, 2023.

The Authority has adopted a policy of generally utilizing committed and assigned fund balances, prior to unassigned fund balances, when an expenditure is incurred for purposes for which any of those fund balance classifications could be used.

Net position – Net position is classified into the following categories:

- *Net investment in capital assets, net of related debt* – Capital assets, net of accumulated depreciation and outstanding principal balances of debt attributable to the acquisition, construction, or improvement of those assets. The Authority does not have any net position in this category as of December 31, 2023.
- *Restricted nonexpendable* – Net position subject to externally imposed conditions that the Authority retains in perpetuity. The Authority does not have any net position in this category as of December 31, 2023.
- *Restricted expendable* – Net position subject to externally imposed conditions that can be fulfilled by the actions of the Authority or by the passage of time. The Authority does not have any net position in this category as of December 31, 2023.
- *Unrestricted* – All other categories of net position; in addition, unrestricted net position may be designated for use by management or the Board of Directors.

Contribution from affiliated entity – For the year ended December 31, 2023, ESJPA received a contribution from RCRC for the value of contract support services fee it would have otherwise paid in the amount of \$175,002.

Income taxes – The Authority is an organization comprised of public agencies and is exempt from federal income and California franchise taxes. Accordingly, no provision for federal or state income taxes has been made in the accompanying financial statements.

Rural Counties' Environmental Services

Joint Powers Authority

Notes to Basic Financial Statements

Budgetary information – The Authority's Board of Directors approves all budgeted revenues and expenditures. Budgeted revenue and expenditures represent the original adopted budget and any amendments during the year. The legal level of budgetary control for the Authority is total expenditures. The budgetary process is on a basis of accounting used for budgets that is consistent with accounting principles generally accepted in the United States of America.

Use of estimates – The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from these estimates.

Note 2 – Cash

Deposits – custodial credit risk – Custodial credit risk is the risk that in the event of a bank failure, the Authority's deposits may not be returned. Cash consists of deposits with financial institutions. As of December 31, 2023, the Authority's deposits stated at \$35,049, inclusive of restricted cash, are entirely insured or collateralized. Section 53652 of the California Governmental Code requires financial institutions to secure deposits made by governmental units in excess of insured amounts by the pledging of governmental securities as collateral. The market value of the pledged securities in the collateral pool must equal at least 110% of the total amount deposited by governmental units.

Note 3 – Related-Party Transactions

For the year ended December 31, 2023, the Authority entered into a support service agreement with RCRC, an affiliated entity, for an annual fee of \$390,000 plus direct billable hours, to perform non-grant-related services. The fee is included in administration expenses on the statement of activities and technical support services on the statement of revenues, expenditures, and changes in fund balance – general fund. As of December 31, 2023, there was \$3,199 payable to RCRC for administrative expenses paid by RCRC on behalf of the Authority. The support service agreement with RCRC is an annual agreement, expiring on December 31 of each year, with successive one-year automatic renewals until terminated by either party.

Note 4 – Risk Management and Uncertainties

The Authority is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; and natural disasters. RCRC purchases commercial insurance through an insurance agent that obtains insurance coverage from insurance companies, which includes coverage for the Authority. The Authority reimburses RCRC for its pro rata portion of the insurance premium. There have been no settlement amounts that have exceeded commercial insurance coverage for the last three years.

**Rural Counties' Environmental Services
Joint Powers Authority
Notes to Basic Financial Statements**

Note 5 – Commitments and Contingencies

The Authority has received grants from state and local sources that are subject to review and audit by representatives of those agencies to determine if the funds were expended in accordance with appropriate statutes, grant terms, and regulations. These types of audits could lead to expenditure disallowances or questioned costs under grant terms. The Authority believes that no significant liabilities will be incurred as a result of these audits.

Required Supplementary Information

**Rural Counties' Environmental Services
Joint Powers Authority
General Fund – Budgetary Comparison Schedule (unaudited)
Year Ended December 31, 2023**

	Budget	Budget	Actual	Actual Over (Under) Revised Budget \$	%
Revenues					
Intergovernmental grants and contracts	\$ 130,000	\$ 130,000	\$ 93,294	\$ (36,706)	-28.2%
Contribution from affiliated entity	200,000	175,000	175,002	2	0.0%
Membership dues	142,800	142,800	145,800	3,000	2.1%
Total revenues	<u>472,800</u>	<u>447,800</u>	<u>414,096</u>	<u>(33,704)</u>	<u>-7.5%</u>
Expenditures					
Solid waste grants on behalf of member counties	130,000	130,000	93,294	(36,706)	-28.2%
Technical support services	415,600	390,000	390,000	-	0.0%
Other	29,660	29,660	23,748	(5,912)	-19.9%
Total expenditures	<u>575,260</u>	<u>549,660</u>	<u>507,042</u>	<u>(42,618)</u>	<u>-7.8%</u>
Excess of expenditures over revenues	(102,460)	(101,860)	(92,946)	8,914	-8.8%
Fund balance, beginning of year	<u>75,419</u>	<u>75,419</u>	<u>75,419</u>	<u>-</u>	<u>0.0%</u>
Fund balance, end of year	<u>\$ (27,041)</u>	<u>\$ (26,441)</u>	<u>\$ (17,527)</u>	<u>\$ 8,914</u>	<u>-33.7%</u>

Supplementary Information

**Rural Counties' Environmental Services
Joint Powers Authority**
**Schedule of Revenues, Expenditures, and Changes in Fund Balance by Grant
Year Ended December 31, 2023**

	TCA6 Regional	UOPP22 Regional	UOPP23 Regional	TOTAL
Revenues				
Grants	\$ 53,109	\$ 22,495	\$ 17,690	\$ 93,294
Total revenues	<u>53,109</u>	<u>22,495</u>	<u>17,690</u>	<u>93,294</u>
Expenditures				
Grants on behalf of member counties				
Mobile/other collection	51,471	-	-	51,471
Consultants	1,470	2,801	6,311	10,582
Other costs				
Permanent facilities	-	15,684	5,021	20,705
Publicity and education	168	4,010	6,358	10,536
Total expenditures	<u>53,109</u>	<u>22,495</u>	<u>17,690</u>	<u>93,294</u>
Excess of revenues	-	-	-	-
Fund balance, beginning of year	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Fund balance, end of year	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>

See accompanying notes.

Report of Independent Auditors on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

The Board of Directors
Rural Counties' Environmental Services Joint Powers Authority

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and major fund of Rural Counties' Environmental Services Joint Powers Authority (the Authority) as of and for the year ended December 31, 2023, and the related notes to the financial statements, which collectively comprise Rural Counties' Environmental Services Joint Powers Authority's basic financial statements, and have issued our report thereon dated June 5, 2024.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Rural Counties' Environmental Services Joint Powers Authority's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Rural Counties' Environmental Services Joint Powers Authority's internal control. Accordingly, we do not express an opinion on the effectiveness of Rural Counties' Environmental Services Joint Powers Authority's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that were not identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether Rural Counties' Environmental Services Joint Powers Authority's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Authority's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in cursive script that reads "Moss Adams LLP".

Sacramento, California
June 5, 2024



Communications with Those Charged with Governance

**Rural Counties' Environmental Services
Joint Powers Authority**

December 31, 2023

Communication with Those Charged with Governance

To the Board of Directors and Management
Rural Counties' Environmental Services Joint Powers Authority

We have audited the financial statements of Rural Counties' Environmental Services Joint Powers Authority (the "Authority") as of and for the year ended December 31, 2023 and have issued our report thereon dated June 5, 2024. Professional standards require that we provide you with the following information related to our audit.

Our Responsibility Under Auditing Standards Generally Accepted in the United States of America and *Government Auditing Standards*

As stated in our engagement letter dated December 11, 2023, we are responsible for forming and expressing an opinion about whether the financial statements that have been prepared by management, with your oversight, are prepared, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your responsibilities.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. As part of an audit conducted in accordance with U.S. GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit.

An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Rural Counties' Environmental Services Joint Powers Authority's internal control over financial reporting. Accordingly, we considered Rural Counties' Environmental Services Joint Powers Authority's internal control solely for the purposes of determining our audit procedures and not to provide assurance concerning such internal control.

We are also responsible for communicating significant matters related to the financial statement audit that, in our professional judgment, are relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

Planned Scope and Timing of the Audit

We performed the audit according to the planned scope and timing previously communicated to you in the engagement letter and during planning discussions.

Significant Audit Findings and Issues

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Rural Counties' Environmental Services Joint Powers Authority are described in Note 1 to the financial statements. There were no new accounting policies adopted during the year and there were no changes in the application of existing policies during 2023. We noted no transactions entered into by the Authority during the year for which there is a lack of authoritative guidance or consensus. There are no significant transactions that have been recognized in the financial statements in a different period than when the transaction occurred.

Significant Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. There were no sensitive estimates affecting the financial statements identified.

Financial Statement Disclosures

The disclosures in the financial statements are consistent, clear, and understandable. Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosure affecting the financial statements was disclosure of the reporting entity and its operations, basis of accounting, and summary of significant accounting policies are described in Note 1.

Significant Unusual Transactions

We encountered no significant unusual transactions during our audit of the Authority's financial statements.

Significant Difficulties Encountered in Performing the Audit

Professional standards require us to inform you of any significant difficulties encountered in performing the audit. No significant difficulties were encountered during our audit of the Authority's financial statements.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. No such disagreements arose during the course of our audit.

Circumstances that Affect the Form and Content of the Auditor's Report

There may be circumstances in which we would consider it necessary to include additional information in the auditor's report in accordance with auditing standards generally accepted in the United States and the standards applicable to financial audits contained in *Government Audit Standards*, issued by the Comptroller General of the United States. There were no circumstances that affected the form and content of the auditor's report.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all factual and judgmental misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. There were no corrected or uncorrected misstatements identified as a result of our audit procedures as of and for the year ended December 31, 2023.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated June 5, 2024.

Management Consultation with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a “second opinion” on certain situations. If a consultation involves application of an accounting principle to the Authority’s financial statements or a determination of the type of auditor’s opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Significant Audit Findings or Issues

We are required to communicate to you other findings or issues arising from the audit that are, in our professional judgment, significant and relevant to your oversight of the financial reporting process. There were no such items identified.

This information is intended solely for the use of the Board of Directors and management of Rural Counties’ Environmental Services Joint Powers Authority, and is not intended to be, and should not be, used by anyone other than these specified parties.

A handwritten signature in black ink that reads "Moss Adams LLP". The signature is written in a cursive, flowing style.

Sacramento, California
June 5, 2024

Agenda Item VII

SOLID WASTE REGULATORY UPDATES

State Water Resources Control Board

REVISED

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND PUBLIC BOARD HEARING ON A REVISED DRAFT WATER QUALITY CONTROL POLICY FOR STANDARDIZED COST REPORTING IN MUNICIPAL STORMWATER PERMITS

NOTICE IS HEREBY GIVEN THAT WRITTEN COMMENTS WILL BE ACCEPTED by the State Water Resources Control Board (State Water Board) on the Revised Draft Water Quality Control Policy for Standardized Cost Reporting in Municipal Separate Storm Sewer System (MS4) Permits (Revised Draft Municipal Stormwater Cost Policy) and the Revised Draft Municipal Stormwater Cost Policy Staff Report (Staff Report).

DOCUMENT AVAILABILITY: Copies of the Revised Draft Municipal Stormwater Cost Policy and Staff Report will be posted on the State Water Board's [website](#) on or before **May 9, 2024**. The public will also be notified of the release of the Revised Draft Municipal Stormwater Cost Policy and Staff Report through the e-mail distribution list as provided below.

INSTRUCTIONS FOR SUBMITTING COMMENTS: All written comments must be received by the State Water Board by no later than **12:00 noon on Tuesday, June 25, 2024 July 9, 2024**. Comment letters received after this time and date will not be accepted unless the State Water Board determines otherwise.

Address comments to Courtney Tyler, Clerk to the State Water Board. Please indicate in the subject line: "**Comment Letter – Revised Draft Municipal Stormwater Cost Policy**".

Written comments may be submitted electronically in pdf format (if less than 15 megabytes in total size) to the Board Clerk via e-mail at commentletters@waterboards.ca.gov. If the file is greater than 15 megabytes in size, then the written comments may be submitted by fax at (916) 341-5620.

Alternatively, comments may be submitted by hand delivery or mail to:

**Courtney Tyler, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000 (by mail)
1001 I Street, 24th Floor, Sacramento, CA 95814 (hand delivery)**

Couriers delivering a hard copy of a comment letter must check in with lobby security personnel, who can contact Ms. Tyler at (916) 341-5611.

NOTICE IS ADDITIONALLY HEREBY GIVEN that State Water Board will hold a public hearing at which staff will present information and receive public input on the Revised Draft Municipal Stormwater Cost Policy and Staff Report.

The date, time, and location for the public hearing are provided below:

**PUBLIC BOARD HEARING
Tuesday, June 4, 2024 - 9:00 am
Coastal Hearing Room – Second Floor
Joe Serna Jr. – CalEPA Building
1001 I Street, Sacramento, CA 95814
And via Video and Teleconference**

A quorum of the State Water Board will attend the public hearing; however, no State Water Board action will be taken on the Revised Draft Municipal Stormwater Cost Policy at the hearing.

POLICY OVERVIEW: The Strategy to Optimize Resource Management of Stormwater (STORMS) staff released a Draft Municipal Stormwater Cost Policy in August 2023 that proposed a statewide cost reporting framework for Phase I and traditional Phase II MS4 permittees (Permittees). If adopted, the policy would require Permittees to use a list of standardized cost categories to track their MS4 permit implementation costs. In addition, the policy would require Permittees to report annual expenditures for implementing their MS4 permits. The goal of the proposed policy is to increase the understanding of costs associated with various MS4 permit elements and inform future permit requirements. Staff released a draft policy on August 17, 2023, for a 45-day public comment period. Staff also conducted a 6-month beta test, from May 1 to November 15, 2023, of the proposed cost reporting framework where 11 MS4 Permittees participated and provided detailed feedback. Staff revised the draft policy based on the first round of public comments, feedback from the beta test participants, and additional outreach and engagement with interested parties. Staff will release a Revised Draft Municipal Stormwater Cost Policy on May 9, 2024, for a second round of public comments, which will be due by noon on ~~June 25, 2024~~ **July 9, 2024**.

PUBLIC HEARING OVERVIEW: During the Board hearing, STORMS staff will present an overview of the proposed Revised Draft Municipal Stormwater Cost Policy and standardized cost categories for reporting MS4 permit implementation costs, guidance on cost tracking and accounting, and reporting of cost data. The hearing will include opportunities for public input. To ensure all interested parties have an opportunity to participate, the Board Chair may limit the time allowed for each speaker.

PUBLIC HEARING PARTICIPATION: Members of the public interested in joining the public hearing or providing oral comments, please follow [the remote participation guidelines](#). For in-person participation, please reference the [State Water Board Information and Calendar webpage](#) and information in the “DIRECTIONS AND ACCESSIBILITY” section below.

POTENTIAL FUTURE CHANGES TO THE NOTICED ITEMS: The State Water Board will make the Revised Draft Municipal Stormwater Cost Policy and Staff Report available and hold the public hearing at the times and place noted above to provide an opportunity for public comment. Any change to the items noticed above will be noticed through the below-identified e-mail distribution lists, and on the State Water Board’s webpages.

Any person desiring to receive future notices must subscribe to the e-mail distribution list located on the [Strategy to Optimize Resource Management of Stormwater website](#) (click on the “Stay Informed” button to subscribe).

DIRECTIONS AND ACCESSIBILITY: The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5572 at least 10 business days before the meeting. Individuals who have limitations hearing or speaking may contact the California Relay Service at (800) 735-2929 (teletypewriter) or (800) 735-2922 (voice).

The meetings in this notice will be offered in English. To request other language interpretation or other accommodation, please submit your request at least 10 business days before the meeting date by contacting program staff at STORMS@waterboards.ca.gov with the subject line “Municipal Stormwater Cost Policy Language Services”.

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 20 minutes to receive security clearance.

ADDITIONAL INFORMATION: Please direct questions regarding this notice, the Revised Draft Municipal Stormwater Cost Policy and Staff Report to Amanda Magee, Senior Engineering Geologist at

Amanda.Magee@waterboards.ca.gov, or Nabiul Afrooz, Water Resource Control Engineer at Nabiul.Afrooz@waterboards.ca.gov.

Date June 11, 2024



Courtney Tyler
Clerk to the Board



(REVISED DRAFT) WATER QUALITY CONTROL POLICY FOR STANDARDIZED COST REPORTING IN MUNICIPAL STORMWATER PERMITS MAY 2024

MUNICIPAL STORMWATER COST POLICY



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Definitions

Best Management Practices (BMP) — Management activities, physical structures, institutional practices, or prohibitions implemented to control, mitigate, or prevent pollution associated with dry- or wet- weather runoff.

Best Professional Judgement— A determination based on the best available scientific or engineering knowledge and best management practices.

Clean Water Act — The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Disadvantaged Communities—~~A community~~**Communities** with a median household income less than 80% of the statewide average as defined in California Public Resources Code § 75005.

Duly Authorized Representative —Consistent with 40 Code of Federal Regulations (CFR) §122.22(a)(3) or 40 CFR §122.22(b), a person or position title authorized to be a signatory and satisfies certification requirements for submittal of information and reports on behalf of a Permittee.

Easement—A right to use or enter someone else’s land for a specified purpose.

Illicit Connection — Any drain or conveyance system that allows an illegal discharge to enter the storm drain system.

Illicit Discharges— Any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES Permit as defined in 40 CFR §122.26(b)(2).

Minimum Control Measures—Six permit elements, as defined in 40 CFR § 122.34, that, when implemented in concert, are expected to result in significant reductions of pollutants discharged into receiving waterbodies: Public Education & Outreach; Public Involvement & Participation; Illicit Discharge Detection & Elimination; Construction Site Stormwater Runoff Control; Post Construction Stormwater Management (BMPs); and Stormwater Pollution Prevention & Good Housekeeping.

Municipal Separate Storm Sewer System (MS4) — Has the same meaning set forth in 40 CFR § 122.26(b)(8).

~~MS4 Implementation Cost Survey Tool~~Data Portal — Cost submittal ~~tool~~portal developed by the State Water Board to allow Permittees to report their annual expenditures for MS4 Permit-implementation activities.

National Pollutant Discharge Elimination System (NPDES)— A national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing Permits, as defined in 40 CFR § 122.

~~Non-Traditional~~traditional Phase II Permittees – Phase II Permittees operated by Federal, State, or local entities other than counties cities, or towns. These can include

schools, universities, parks, ports, transportation facilities, prisons, hospitals, and military bases.

Permittee — An entity that discharges stormwater and non-stormwater from its jurisdictional area under an approved Phase I MS4 or ~~Traditional~~traditional Phase II MS4 stormwater Permit.

Phase I MS4 Permits — Stormwater permits issued by regional water boards to control stormwater discharge from medium to large Permittees, consistent with the definitions provided in (40 CFR §122.26(b)(4)) and (40 CFR §122.26(b)(7)).

Phase II MS4 Permit — Statewide permit to control stormwater discharges from small Permittees as defined in 40 CFR §122.26(b)(16). Such small Permittees include non-traditional and traditional Phase II Permittees.

Trash — All improperly discarded solid material from any production, manufacturing, or processing operation including (but not limited to) products and their packaging or containers constructed of plastic, steel, aluminum, glass, paper, or other synthetic or natural materials.

Traditional Phase II Permittees — Phase II Permittees that are operated by counties, cities, or towns.

1. Purpose

- 1.1 The purpose of the Draft Policy for Water Quality Control for Standardized Cost Reporting in Municipal Stormwater Permits (Municipal Stormwater Cost Policy, hereafter Draft Policy) is to ensure that municipal separate storm sewer system (MS4) permittees (Permittees) in California estimate, track, and report annual expenditures ~~related to the implementation of MS4 permits~~ in a consistent manner to a) determine what it costs to implement each Permittee's municipal stormwater program as required by the applicable permit; and b) gather adequate levels of data with appropriate details to inform cost effective permit development and equitable investment in municipal stormwater programs around the State.
- 1.2 The Draft Policy describes the cost categories that Phase I MS4 Permittees and ~~Traditional~~traditional Phase II Permittees shall use to track their Permit implementation costs, including best practices for cost accounting.
- 1.3 The Draft Policy specifies a cost reporting ~~tool~~portal that Permittees shall use to annually report all expenditures related to the implementation of MS4 Permits.
- 1.4 The Draft Policy provides direction to regional water quality control boards (regional water boards) and the State Water Resources Control Board (State Water Board) regarding the incorporation of standardized cost reporting requirements into any future issuance or reissuance of respective MS4 permits. The Draft Policy eventually may be incorporated into a future water quality control plan that applies to inland surface waters.

2. Legal Authority

- 2.1 The Clean Water Act (CWA) establishes the National Pollutant Discharge Elimination System (NPDES) program which requires waste dischargers to comply with certain regulations that permit the discharge of water containing pollutants to waters of the United States (40 CFR § 122.1). The State Water Board is designated as the state water pollution control agency for all purposes stated in the Clean Water Act. The State and Regional Water Quality Control Boards (regional water boards) (collectively Water Boards) are authorized to issue NPDES permits to MS4 dischargers in California.
- 2.2 This Draft Policy is consistent with 40 CFR sections 122.26(d)(1)(vi)(A) and 122.26(d)(2)(vi) of the federal stormwater regulations that require Phase I Permittees to provide a fiscal analysis of the capital and operation and maintenance expenditures necessary to accomplish the activities outlined in their Phase I MS4 Permits.
- 2.3 The standardized cost reporting requirement for the traditional Phase II MS4 Permittees covered by the Phase II MS4 Permit is consistent with California Water Code section 13383 which gives the State Water Board authority to impose additional reporting requirements to dischargers.

3. Applicability

- 3.1 This Draft Policy is applicable to the MS4s regulated under Phase I and traditional Phase II MS4 Permits (Permittees).
- 3.2 This Draft Policy is not applicable to non-traditional Phase II MS4 permittees or dischargers under other NPDES Permits.
- 3.3 Within this Draft Policy, references to the State Board or State Water Board shall mean the State Water Resources Control Board. References to a Regional Board or Regional Water Board shall mean a California Regional Water Quality Control Board.

4. Use of Standardized Cost Data

- 4.1 The State Water Board and regional water boards (collectively Water Boards) shall use standardized cost data, collected in compliance with this Draft Policy, to inform the regulatory steps necessary to implement state and federal water quality laws for the protection of public health and the environment, including consideration of economic information in the development of new Permits and Permit reissuances.
- 4.2 The Water Boards encourage Permittees to use standardized cost data as a tool to seek and justify proposed stormwater funding measures.
- 4.3 The Water Boards plan to use standardized cost data, in the long-term, to identify and address environmental justice issues in municipal stormwater management, i.e., equitable stormwater management and investments in Disadvantaged Communities.
- 4.4 The reported cost of Permit implementation data shall not be used as a surrogate for the level of compliance activities performed by a Permittee. ~~Additionally, the financial resources necessary to comply with a Permit shall not be used to justify noncompliance by a Permittee or as a rationale to request less stringent permit requirements.~~

5. Required Cost Reporting

5.1 Cost Categories for Phase I MS4 Permittees

- 5.1.1 Phase I MS4 Permittees covered by a Phase I MS4 Permit shall report all expenditures incurred while implementing Permit-required activities using all cost categories described below. Permittees shall further itemize expenditures using various sub-categories as shown in Table 1.
- 1. *Overall Program Management and Administration:* Permit compliance administration and management activities, reporting, and general coordination.

2. *Public Education, Outreach, Involvement and Participation*: Outreach and educational activities that inform members of the public about stormwater as a resource, the potential impacts of stormwater discharges to water bodies, pollution prevention from stormwater discharge, and other associated activities that directly relate to MS4 permit implementation.
3. *Illicit Discharge Detection and Elimination (IDDE) and Spill Response*: Efforts necessary to identify, investigate, enforce, and eliminate illicit connections and illicit discharges.
4. *Planning and Land Development*: MS4-related planning activities necessary to accomplish Permit-specified objectives. Costs reported shall be limited to the costs incurred during the reporting period.
5. *Industrial and Commercial Facilities*: Permit-required inspection, outreach, municipal oversight, and enforcement of industrial and commercial facilities.
6. *Construction Site Management*: Implementation of Permit-required inspection, outreach, municipal oversight, and enforcement to minimize the impact of construction site runoff to receiving waters.
7. *Municipal Operations and Maintenance*: Planning and implementation of pollution prevention and control programs to address runoff resulting from operation and maintenance of Permittee-owned or operated facilities and activities.
8. *Trash Management*: Activities designed and performed to comply with trash provisions, including trash control activities that are required by the Permit and routinely performed as a part of municipal maintenance.
9. *Water Quality Monitoring*: Permit-required water quality monitoring activities shall be broken down into subcategories such as receiving water monitoring, outfall monitoring, BMP effectiveness monitoring, and facility-specific monitoring.
10. Permit-specific *Special Programs*: Keeping a diverse approach to municipal stormwater management in California in mind, this category is intended to obtain cost information about various region-specific MS4 program elements, including but not limited to TMDL implementation requirements and specific pollutant requirements, other than trash.
11. *Miscellaneous Costs*: Anything not identified or directly related to the other cost categories.

Table 1: List of standardized categories and sub-categories for reporting cost of Phase I Permit implementation.

Category Name	Sub-categories
1. Overall Program Management and Administration	a. Asset management b. Reporting c. Program effectiveness assessment d. Others
2. Public Education, Outreach, Involvement and Participation	-
3. Illicit Discharge Detection and Elimination (IDDE) and Spill Response	a. IDDE b. Spill Response
4. Planning and Land Development	a. Postpost -construction BMPs for new or redevelopment projects b. New structural BMP projects (with total stormwater related budget higher than \$200,000) c. Others
5. Industrial and Commercial Facilities	-
6. Construction Site Management	-
7. Municipal Operations and Maintenance	a. Integrated pest management (IPM) program b. Emergency program c. Others
8. Trash Management	a. Full capture device installation and maintenance b. Street sweeping c. Others
9. Water Quality Monitoring	a. Receiving water <u>and outfall</u> monitoring. b. Outfall monitoring c. BMP monitoring d. Others
10. <u>Permit-specific</u> Special Programs	a. TMDL implementation and monitoring b. Discharge associated with people experiencing homelessness c. Others
11. Miscellaneous Costs	-

5.1.2 Phase I MS4 Permittees shall track and report all expenditures in each cost category using the following line items:

a. Costs associated with staff wages, salaries, and benefits, including indirect costs.

b. Capital investments for Permit implementation, except for land costs.

c. Expenditures for land or right-of-way easement acquisition.

d. Cost of hiring private consultants to perform Permit implementation activities.

~~e. Costs associated with new infrastructure or retrofit that were not reported under capital expenditure or land costs.~~

~~f.e.~~ Costs associated with Permit-required day-to-day operation and maintenance activities.

~~g. Indirect costs associated with the costs reported under 5.2.a to 5.2.f.~~

5.1.3 Phase I MS4 Permittees shall track and report construction costs for structural stormwater BMPs upon project completion. Permittees shall also include relevant project details, including location (address and Global Positioning System coordinates), BMP type, BMP surface area, volumetric loading rate, and drainage area with the total project cost of the completed project.

5.2 Cost Categories for Traditional Phase II MS4 Permittees Only

5.2.1 Traditional Phase II Permittees shall report all expenditures incurred while implementing Permit-required activities. Traditional Phase II Permittees may use the cost categories described in Section 5 and shown in Table 1 to report expenditures. Alternatively, ~~Traditional~~traditional Phase II Permittees may report their expenditures using all cost categories described below.

1. **Overall Program Management and Administration: Permit compliance administration and management activities, reporting, general coordination.**
2. *Capital Costs*: Development of new structural stormwater control measures or other tangible assets required to comply with the Permit.
3. *Minimum Control Measures*: Permit-required routine operational and maintenance activities, including minimum control measures implementation.
4. *Water Quality Monitoring*: All Permit-required water quality monitoring activities.
5. *Miscellaneous Costs*: Anything not identified or directly related to the other cost categories.

5.2.2 Traditional Phase II MS4 Permittees shall itemize all expenditures in each cost category using the following line items:

- a. Costs related to staff wages and benefits, and overhead.
- b. Cost of equipment, materials, and machinery purchase.
- c. Cost of land and right-of-way easement acquisition.
- d. Cost of hiring consultants for Permit implementation activities.
- ~~e. Cost of materials as capital investments.~~
- ~~f. Cost of sampling for water quality monitoring.~~
- ~~g. Cost of laboratory analysis of monitoring samples.~~
- ~~h. Indirect costs associated with the costs reported for 6.2.a to 6.2.g.~~

5.3 Cost Accounting

- 5.3.1 Permittees shall track all expenditures directly related to Permit implementation activities for each fiscal year beginning July 1 and ending June 30.
- 5.3.2 Permittees shall treat standardized cost categories as mutually exclusive. Similarly, if an activity or a project is a collaboration among multiple Permittees or co-Permittees, each jurisdiction shall only report their portion of the cost. The sum of all reported costs shall be the total cost of implementing such an activity or program.
- 5.3.3 For activities that serve purposes in addition to stormwater management, Permittees shall estimate a percentage of expenditures that can be directly attributed to Permit implementation. The cost estimation of these activities shall be informed by feedback from staff performing those activities. Best ~~professional judgement~~Professional Judgement shall be used when estimating personnel costs for staff who are also assigned job responsibilities beyond stormwater Permit implementation.
- 5.3.4 Permittees may attribute expenditures incurred while performing routine activities that are part of municipal operations required by an MS4 Permit (e.g., street sweeping, storm drain cleaning) entirely to the MS4 program. Permittees shall only report costs for the Permit-required frequency (costs incurred past the Permit-required frequency shall not be included). Permittees shall include relevant details of street sweeping, including area swept, type of sweepers, and volume of debris collected.
- 5.3.5 Permittees shall track portions of Permit-implementation costs recuperated by a cost recovery program (e.g., one time or recurring fees). Permittees shall track the sources of funds and amounts associated with each source to implement their MS4 permits.

5.3.6 The State Water Board recognizes that the variability and complexity of municipal accounting for stormwater programs may present a challenge for Permittees to track and report permit implementation costs using a list of standardized categories and line items, and as such, many of the costs reported may be estimates based on Best Professional Judgment. Permittees shall develop and maintain supporting documentation explaining their cost estimation process, when applicable. Such documents shall be retained by the Permittees for at least five years and provided to the regional water boards or State Water Board upon request.

6. Optional Cost Reporting

- 6.1 Permittees shall have an option to report stormwater program management expenditures for activities not required by their MS4 permits. Reporting such cost is voluntary and does not replace any mandatory cost reporting requirements established by this Policy.
- 6.2 When reporting expenditures consistent with 6.1, Permittees shall describe the cost incurred and justify its relevance to stormwater program management.

7 Cost Report Submittal

- 6.1 7.1 Each Permittee shall document and submit total MS4 Permit-related expenditures annually ~~by September 30, within the same timeframe as the annual reporting required by the Permittee's MS4 permit.~~ The submission shall contain expenditure information from the previously concluded fiscal year, beginning July 1 and ending June 30.
- 7.2 Each Permittee shall report the sources of funds used to implement its MS4 permit.
- 7.3 A Duly Authorized Representative shall compile and submit required reporting on behalf of the Permittee.
- 7.4 Annual expenditure Reports for MS4 Permit implementation shall be submitted electronically using the MS4 ~~Implementation~~ Cost ~~Survey Tool~~ Data Portal. Each submission shall be certified electronically in the manner specified by the State Water Board.
- 7.5 Submitted cost information shall be in a format consistent with this Draft Policy and shall be verifiable using supporting documentation retained by the Permittees. Each Permittee shall make such supporting information available upon request within a timely manner, generally no more than ten business days.

8. State Agency Roles

- 8.1 The regional water boards shall incorporate cost reporting requirements consistent with this Draft Policy into a Phase I MS4 Permit through an amendment or at the time of the next permit reissuance after the effective date of this Policy. Once incorporated into a Phase I MS4 Permit, regional water boards shall ensure Permittees follow the Policy through ~~timely~~ review of cost data submitted by Permittees.
- 8.2 The regional water boards shall review the annually submitted data and use the data to inform the economic analysis of future permits.
- 8.3 The State Water Board shall incorporate cost reporting requirements consistent with this Policy into the statewide Phase II MS4 Permit through an amendment or at the time of the next permit reissuance. ~~Once incorporated into the traditional Phase II MS4 Permit, the State Water Board shall ensure Permittees follow the Policy through timely review of cost data submitted by Permittees.~~
- 8.4 The State Water Board shall make the collected cost data publicly available, conduct regular review of the cost data, provide periodic Policy related updates to the board, and maintain the MS4 ~~Implementation~~ Cost ~~Survey Tool~~Data Portal.
- 8.5 The State Water Board shall compile and analyze submitted cost data to inform, develop, and implement strategies for supporting efficient stormwater management statewide.

Monthly Public Meeting

10:00 A.M., March 19, 2024
Cal/EPA Building – Byron Sher Auditorium
Via [Webcast](#)

A. DIRECTOR'S REPORT

Presentations or discussions by the Director and/or Executive Offices regarding department matters, legislative updates, public affairs, or initiatives.

B. POLICY & PROGRAM UPDATE

Information Items

1. SB 54 Implementation
Department Staff Contact: Zoe.Heller@CalRecycle.ca.gov
2. SB 1013 Regulation Update
Department Staff Contact: Zoe.Heller@CalRecycle.ca.gov
3. AB 2440 Implementation
Department Staff Contact: Zoe.Heller@CalRecycle.ca.gov
[Public Notice](#)

C. GRANT AND LOAN PROGRAMS

Action Items

No actions at this time.

Information Item

1. Awards for the Community Composting for Green Spaces Grant Program
(Greenhouse Gas Reduction Fund, Fiscal Year 2021-22)
Department Staff Contact: Shaina.Meiners@CalRecycle.ca.gov
[Public Notice](#)
2. Awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Cleanup Account, Fiscal Year 2023-24)
Department Staff Contact: Cathy.Aggergaard@CalRecycle.ca.gov
[Public Notice](#)
3. Reallocation of Tire Funds (Tire Recycling Management Fund, Fiscal Year 2023–24)

Department Staff Contact: Mustafe.Botan@CalRecycle.ca.gov
[Public Notice](#)

Open Applications:

Farm and Ranch Solid Waste Cleanup and Abatement Grant Program
Application Due Dates: April 2, 2024 (Cycle 82)

Local Government Waste Tire Cleanup Grant Program
Application Due Dates: April 9, 2024

Beverage Container Redemption Innovation Grant Program
Application Due Dates: April 16, 2024

Greenhouse Gas Reduction Loan Program
Application Due Date: Continuous

Recycling Market Development Zone Loan Program
Application Due Date: Continuous

D. CONTRACTS

Action Items

No actions at this time

Information Items

1. Consideration of Scope of Work for the Evaluation of the State of Waste Tire Rubber Devulcanization Technologies Contract (Tire Recycling Management Fund, FYs 2023/24 & 2024/25)

Department Staff Contact: Mustafe.Botan@CalRecycle.ca.gov
[Public Notice](#)

2. Consideration of Scope of Work for the Environmental Impacts of the Use of Tire Derived Aggregate in Civil Engineering Applications and Rubberized Asphalt Concrete State of Knowledge Contract (Tire Recycling Management Fund, FY 2023/24)

Department Staff Contact: Mustafe.Botan@CalRecycle.ca.gov
[Public Notice](#)

E. ELECTRONIC WASTE RECYCLING PROGRAM

Action Items

No actions at this time

Information Items

1. Announcement of Covered Electronic Waste Workshop: Recovery and Recycling Payment Rates Considerations on March 8, 2024.
Department Staff Contact: Csilla.Richmond@CalRecycle.ca.gov
[Public Notice](#)

F. LOCAL ASSISTANCE

Action Items

1. Five-Year Review Report for the Countywide Integrated Waste Management Plan for the County of Santa Clara
Department Staff Contact: Karla.Miller@CalRecycle.ca.gov
[Public Notice](#)

Information Items

Nothing to report at this time.

G. SOLID WASTE AND TIRE FACILITIES

Action Items

1. El Sobrante Landfill, located at 10910 Dawson Canyon Road, Corona, CA 92883, Riverside County, Modified Solid Waste Facilities Permit, Action Needed April 22, 2024
Department Staff Contact: Theodore.Tasiopoulos@CalRecycle.ca.gov
[Public Notice](#)
2. Southern California Disposal Company Recycling and Transfer Station (SCD), located at 1908, 1921, and 1927 Frank Street, Santa Monica, CA 94040, Los Angeles County, Modified Solid Waste Facilities Permit, Action Needed April 27, 2024
Department Staff Contact: Nai.Teurn@CalRecycle.ca.gov
[Public Notice](#)
3. CWS DTLA Material Recovery Facility and Transfer Station, located at 3720 Noakes Street, Los Angeles, CA 90023, City of Los Angeles, Modified Solid Waste Facilities Permit, Action Needed April 27, 2024
Department Staff Contact: Theodore.Tasiopoulos@CalRecycle.ca.gov
[Public Notice](#)

Information Items

Nothing to report at this time

H. PUBLIC COMMENT

Get involved in CalRecycle's decision-making process. To more fully engage with Californians on monthly public meeting agenda items, CalRecycle accepts welcomes live public comments [in-person or over-the-phone](#).

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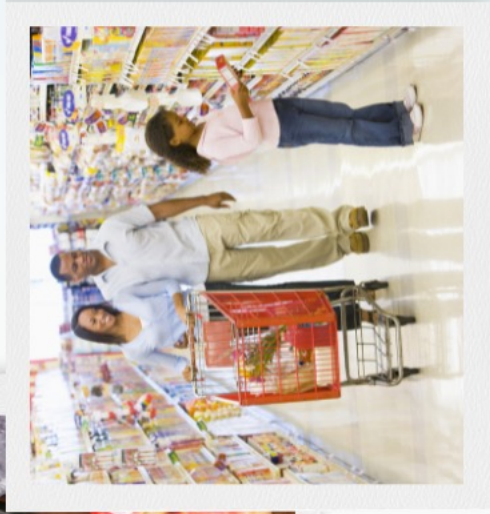
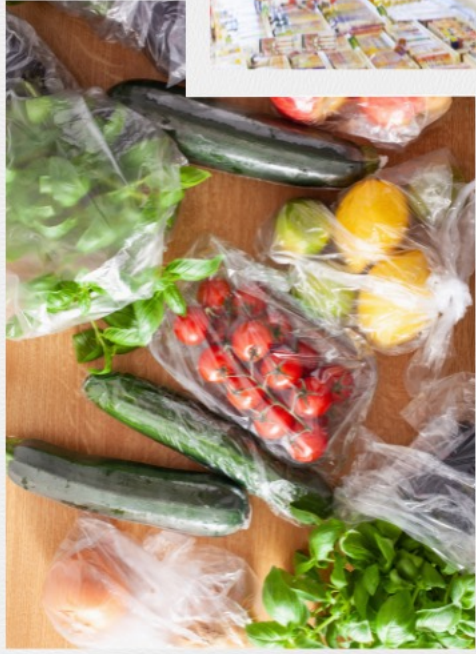
People may speak on any matter concerning CalRecycle with the exception of items related to pending adjudicative (certification or enforcement) proceedings.



Building California's Circular Economy

March 19, 2024





SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act

- ✓ Draft regulations submitted
- ✓ March-April 2024 Public comment period
 - Public Hearing: April 23rd, 9 a.m. to 5 pm.
- ✓ SB 54 advisory board meeting next month

Sign up for the SB 54 listserv for updates

Beverage Container Recycling Program

Dealer Cooperatives

- ✓ **Draft SB 1013 regulations submitted**
 - [Submit your written comments](#) by April 30th
 - Public hearing on April 30th, 9 am to 5pm.
 - Participate in person or register online to participate remotely





AB 2440 Responsible Battery Recycling Act

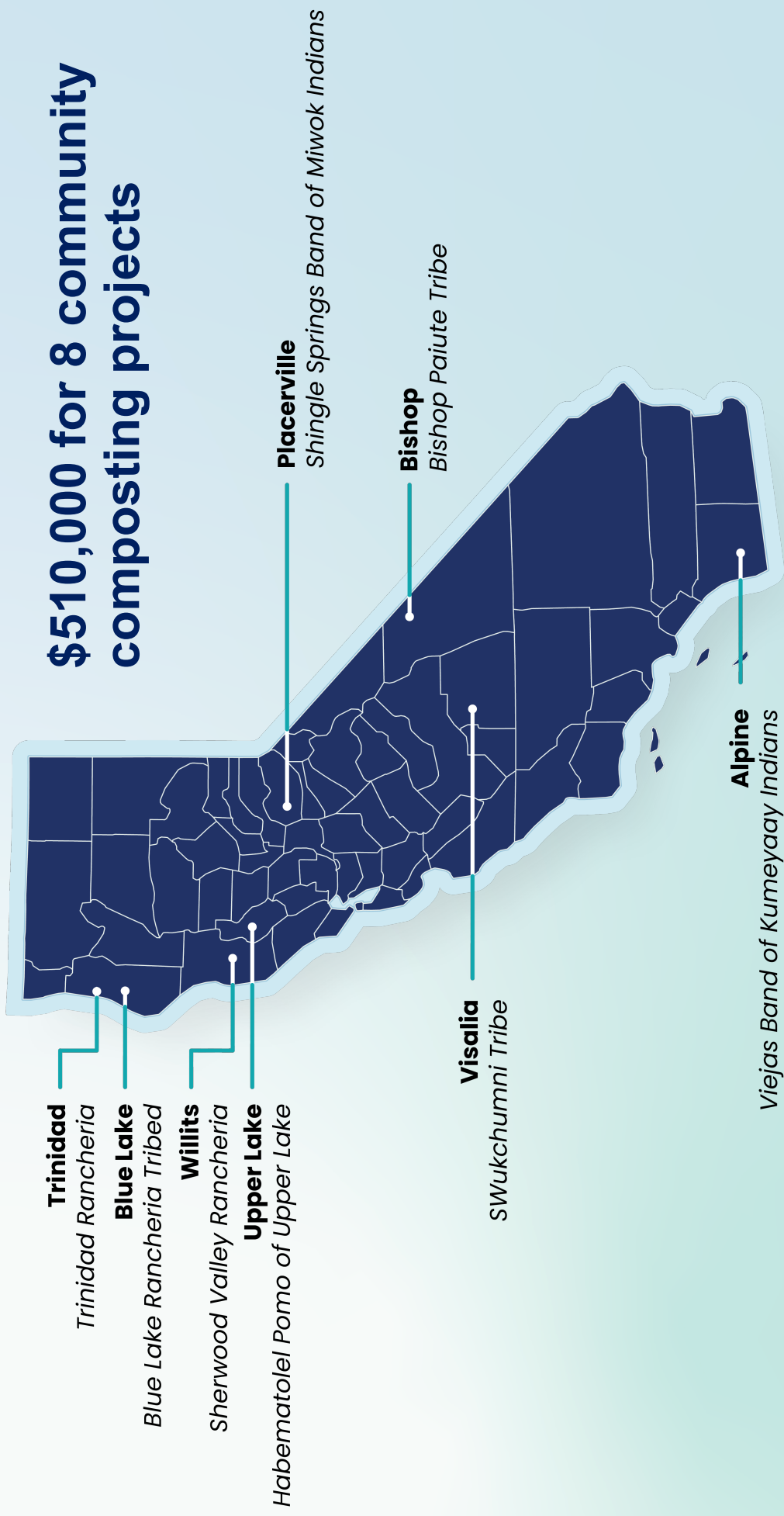
Requires producers to establish a stewardship program to collect and recycle covered batteries

Public workshop

- April 3rd at 10 a.m. at CalEPA HQ
- Participate in person or register to join remotely.

Community Composting for Green Spaces Grant Awards

**\$510,000 for 8 community
composting projects**



Farm and Ranch Solid Waste Cleanup and Abatement Grant Program

\$84,189 in Grant Awards for 2 Applicants

- **Contra Costa RCD - \$50,000**
- **Tulare County - \$34,189**

For cleanup at a nut orchard and other sites
and for equipment to prevent illegal dumping

Grant Application Deadline Reminder

Grant Program	Application Due Date
Farm & Ranch Cleanup	April 2, 2024 (Cycle 82)
Local Gov. Waste Tire Cleanup	April 9, 2024
Bev. Container Redemption Innovation	April 16, 2024
Recycling Market Development Zone Loan	Continuous
Recycling Market Development Zone Loan	Continuous

Carpet Stewardship Program

Carpet America Recovery Effort (CARE)

CARE's Revised Contingency Plan Amendment

- CARE submitted to CalRecycle on February 5, 2024
- CalRecycle must approve, conditionally approve, or disapprove by April 5, 2024

Covered Electronic Waste Recycling Program

Electronic waste recovery and recycling payment rate annual adjustment

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- **Workshop:** April 8th at 10 a.m.
 - **Focus:** Staff to present net cost evaluation and payment rate recommendations
- Participate in person at CalEPA HQ or register online to participate remotely



Countywide & Regional Integrated Waste Management Plans

Five-Year Review Report submitted by:

- Santa Clara County
- No revisions at this time



Evaluation of the State of Waste Tire Rubber Devulcanization Technologies Contract

- \$425,000 contract with University of Houston for study
- **Focus:** Reducing dependency on new rubber, waste tire landfilling, material production energy use and carbon emissions

Contract is anticipated to begin in May 2024 and end in June 2026

Environmental Impacts of Tire Derived Aggregate use in Civil Engineering works and Rubberized Asphalt Concrete State of Knowledge Contract

- \$98,500 contract with California State Polytechnic University of Humboldt
- **Focus:** TDA environmental impact and waste tire crumb rubber in rubberized asphalt concrete

Contract is anticipated to begin in May 2024 and end in June 2026



Reallocation of Tire Funds

\$3.2M of funds to be reallocated

- \$808,909 for grant awards, waste tire hauler compliance system and contract for rubberized tech study
- Remaining balance will go back to the main tire fund

Facility Permit Update

1. El Sobrante Landfill, located at 10910 Dawson Canyon Road, Corona, CA 92883, Riverside County, Modified Solid Waste Facilities Permit, Action Needed April 22, 2024
2. Southern California Disposal Company Recycling and Transfer Station (SCD), located at 1908, 1921, and 1927 Frank Street, Santa Monica, CA 94040, Los Angeles County, Modified Solid Waste Facilities Permit, Action Needed April 27, 2024
3. CWS DTLA Material Recovery Facility and Transfer Station, located at 3720 Noakes Street, Los Angeles, CA 90023, City of Los Angeles, Modified Solid Waste Facilities Permit, Action Needed April 27, 2024

Monthly Public Meeting

10:00 A.M., April 16, 2024
Cal/EPA Building – Byron Sher Auditorium
Via [Webcast](#)

A. DIRECTOR'S REPORT

Presentations or discussions by the Director and/or Executive Offices regarding department matters, legislative updates, public affairs, or initiatives.

Information Item

1. Rural Infrastructure for a Zero Waste Plan
Department Staff Contact: Javier.Garcia@CalRecycle.ca.gov

B. POLICY & PROGRAM UPDATE

Action Items

1. SB 54 Implementation
Department Staff Contact: Zoe.Heller@CalRecycle.ca.gov

Information Item

1. SB 54 Regulation Update
Department Staff Contact: Zoe.Heller@calrecycle.ca.gov
2. SB 54 Source Reduction Baseline Request for Proposal – Secondary
Department Staff Contact: Audrey.Vorametsanti@CalRecycle.ca.gov
3. SB 54 Disposal Facility-Based Material Characterization Study Request for Proposal
Department Staff Contact: Edward.Chu@CalRecycle.ca.gov
4. SB 54 Advisory Board Meeting Update
Department Staff Contact: Zoe.Heller@calrecycle.ca.gov
5. SB 1013 Regulation Update
Department Staff Contact: Zoe.Heller@CalRecycle.ca.gov

C. GRANT AND LOAN PROGRAMS

Information Item

1. Awards for the Workforce Development Grant Program (Beverage Container Recycling Fund, Fiscal Year 2022-23)
Department Staff Contact: Lauren.Barva@CalRecycle.ca.gov
[Public Notice](#)

2. Awards for the Beverage Container Recycling City/County Payment Program (Beverage Container Recycling Fund, Fiscal Year 2023-24)

Department Staff Contact: Duartina.Johnson@CalRecycle.ca.gov

[Public Notice](#)

Action Items

1. Eligibility Criteria and Evaluation Process for the Tire-Derived Aggregate Grant Program (Tire Recycling Management Fund, Fiscal Years 2024-25 and 2025-26)

Department Staff Contact: Farrah.Fadrigon@CalRecycle.ca.gov

[Public Notice](#)

2. Eligibility Criteria and Evaluation Process for the Tire Incentive Program (Tire Recycling Management Fund, Fiscal Years 2024-25 and 2025-26)

Department Staff Contact: Noel.Davis@CalRecycle.ca.gov

[Public Notice](#)

Open Applications:

- **[Beverage Container Redemption Innovation Grant Program](#)**

Application Due Dates: April 16, 2024

- **[Local Conservation Corps Grant Program](#)**

Application Due Date: April 16, 2024

- **[Greenhouse Gas Reduction Loan Program](#)**

Application Due Date: Continuous

- **[Recycling Market Development Zone Loan Program](#)**

Application Due Date: Continuous

D. LOCAL ASSISTANCE

Action Items

1. Five-Year Review Report for the Countywide Integrated Waste Management Plan for Glenn County Waste Management Regional Agency

Department Staff Contact: Marshall.Graham@CalRecycle.ca.gov

[Public Notice](#)

Information Items

Nothing to report at this time.

E. ELECTRONIC WASTE RECYCLING PROGRAM

Action Items

1. Covered Electronic Waste Recovery and Recycling Payment Rates

Department Staff Contact: Matt.Sheehan@CalRecycle.ca.gov
[Public Notice](#)

Information Items

Nothing to report at this time.

F. POLICY MANDATES/WORKSHOPS/RULEMAKING PROCEEDINGS

Action Items

No actions at this time.

Information Items

2. Consideration of Carpet America Recovery Effort's Revised Contingency Plan Amendment

Department Staff Contact: Ashley.Harley@CalRecycle.ca.gov
[Public Notice](#)

G. SOLID WASTE AND TIRE FACILITIES

Action Items

Nothing to report at this time

Information Item

Nothing to report at this time

H. PUBLIC COMMENT

Get involved in CalRecycle's decision-making process. To more fully engage with Californians on monthly public meeting agenda items, CalRecycle accepts welcomes live public comments [in-person or over-the-phone](#).

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Building California's Circular Economy

April 16, 2024





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Request for proposal (RFP) to be released in April

- To study current waste and materials management practices and
- local government resources of rural counties in California
- Contract execution in July

Zero Waste Plan

Goal: to inform our Statewide Zero Waste Plan

Subscribe to Material Characterization Study listserv for updates



Plastic Pollution Reduction Law Implementation



Deadline extended to offer feedback

- **May 8th:** Last day to submit written public comments

Hybrid public hearing on rulemaking

- **April 23rd** from 9 a.m. to 5 p.m.
- Attend in person at CalEPA HQ, participate online or watch on webcast

Additional SB 54 Non-regulatory Workshop

- **Focus:** Needs Assessment, Covered Material Categories list, timeline & processes
- **May 1st** from 10 a.m. to 3 p.m.
- Attend in person at CalEPA HQ or register to participate online

Beverage Container Recycling Program

Dealer Cooperatives

- ✓ **SB 1013 draft regulations published**
- [Submit your written comments](#) by April 30th
- Public hearing on April 30th, 9 am to 5pm.
 - Participate in person or register online to participate remotely





Workforce Development Grant Program

**\$3.8 million dollars in grant awards for
2 applicants to support:**

- ☐ Employment and training for a new workforce
- ☐ To provide California consumers with innovative and convenient CRV redemption options



Beverage Container Recycling Program City/County Payment Awards

\$9.5 Million for 395 communities for:

- Recycling projects in underserved areas
- Neighborhood beverage container drop-off programs
- Water refill stations
- CRV recycling bins and
- Education and Outreach



Tire-Derived Aggregate Grant Program

- Same eligibility criteria and evaluation process proposed
- \$375,000 maximum award amount
- Eligible project list available online



Tire Incentive Program

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- Same eligibility criteria and evaluation process used for fiscal year 2023-2024
- \$650,000 maximum grant award increase suggested
- Eligibility criteria posted online

Grant Application Deadline Reminder

Grant Program	Application Due Date
Bev. Container Redemption Innovation	April 16, 2024
Local Conservation Corps Grant Program	April 16, 2024
Recycling Market Development Zone Loan	Continuous
Recycling Market Development Zone Loan	Continuous

Chat with CalRecycle

When: April 17th from 1 to 3 p.m.

Focus: Edible food recovery program implementation and local government collaboration with food recovery organizations.

You can register online through our website to participate



Five-Year Review Report for the Regional Agency Integrated Waste Management Plan

- Five-Year Review Report submitted by Glenn County
- No Revisions at this time

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Covered Electronic Waste Recovery and Recycling Payment Rates

Adjustments must be determined by July 1, 2024

- Increasing the Standard Statewide Recovery Payment Rate for collectors from \$0.35 per pound to \$0.40 per pound for all covered electronic waste.
- Increasing the Standard Statewide Combined Recovery and Recycling Payment Rate, from \$0.98 per pound to \$1.13 per pound for cathode-ray tube (CRT) covered electronic waste.
- Increasing the Standard Statewide Combined Recovery and Recycling Payment Rate, from \$1.10 per pound to \$1.15 per pound for non-CRT covered electronic waste.

Carpet Stewardship Program

Carpet America Recovery Effort (CARE)

CARE's Revised Contingency Plan Amendment

- CalRecycle conditionally approved on April 4, 2024
- May be revised and resubmitted by June 3, 2024
- Sign up for the [carpet stewardship listserv](#) for updates

Monthly Public Meeting

10:00 A.M., May 21, 2024
Cal/EPA Building – Byron Sher Auditorium
Via [Webcast](#)

A. DIRECTOR'S REPORT

Presentations or discussions by the Director and/or Executive Offices regarding department matters, legislative updates, public affairs, or initiatives.

B. POLICY & PROGRAM UPDATE

Information Item

1. SB 54 Implementation
Department Staff Contact: Karen.Kayfetz@calrecycle.ca.gov

C. BEVERAGE CONTAINER RECYCLING PROGRAM

Information Items

1. Update on Beverage Container Recycling Program
Department Staff Contact: Amy.Cameron@CalRecycle.ca.gov
2. Certification and Registration Quarterly Report
Department Staff Contact: Jennifer.Akins@CalRecycle.ca.gov
[Public Notice](#)
3. Compliance and Enforcement Quarterly Report
Department Staff Contact: David.Onomoto@CalRecycle.ca.gov
[Public Notice](#)

D. POLICY MANDATES

Information Items

1. Consideration of UltiMed's 2024 Annual Program Budget for Home-Generated Sharps Waste
Department Staff Contact: Julia.Dandar@CalRecycle.ca.gov
[Public Notice](#)

E. LOCAL ASSISTANCE

Action Items

1. Five-Year Review Report for the Countywide Integrated Waste Management Plan for Santa Cruz County
Department Staff Contact: Marshall.Graham@CalRecycle.ca.gov
[Public Notice](#)

F. SOLID WASTE AND TIRE FACILITIES

Action Items

1. Divert Integrated Food Recovery Facility, Turlock, located at 4407 West Main Street, Turlock, CA 95380, Stanislaus County, New Solid Waste Facilities Permit, Action Needed July 6, 2024
Department Staff Contact: Joy.Bowers@CalRecycle.ca.gov
[Public Notice](#)
2. Altamont Landfill and Resource Recovery Facility, Compostable Materials Handling Facility, located at 10840 Altamont Pass Road, Livermore, CA 94551, Alameda County, Revised Solid Waste Facilities Permit, Action Needed June 25, 2024
Department Staff Contact: Alyssa.Williams@CalRecycle.ca.gov
[Public Notice](#)
3. US Borax, Inc - Gangue/Refuse Waste Pile - Boron Operations, Solid Waste Disposal Site, located at 14486 Borax Road, Boron, CA 93516, Kern County, Modified Solid Waste Facilities Permit, Action Needed July 1, 2024
Department Staff Contact: Christine.Karl@CalRecycle.ca.gov
[Public Notice](#)

G. PUBLIC COMMENT

Get involved in CalRecycle's decision-making process. To more fully engage with Californians on monthly public meeting agenda items, CalRecycle accepts welcomes live public comments [in-person or over-the-phone](#).

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Building California's Circular Economy

May 21, 2024





SB 54 Plastic Pollution Reduction Law



Implementation Updates

- Needs Assessment Development
- Public comments and feedback
 - [Comment portal](#) available

Stay current on SB 54 Advisory Board meetings, public workshops, and implementation updates by joining our Listserv

Beverage Container Recycling Program

2023

71% Beverage Container Recycling Rate

- 26.6 billion sold
- 18.8 billion redeemed

Quarterly reports published online:

- Certification and Registration
- Compliance and Enforcement



Sharps Waste Stewardship Program

- Compliance review, UltiMed submitted two incomplete 2024 budgets
 - Required independent financial audit missing
- UltiMed's 2024 Annual Program Budget **disapproved** on May 7, 2024
- UltiMed terminated its program on February 17, 2023, no longer an active program operator



Chat with CalRecycle

When: June 19th at 1 p.m.

Focus: SB 1383 Implementation
Record keeping

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You can register online through our
website to participate



Five-Year Review Report for the Regional Agency Integrated Waste Management Plan

- Five-Year Review Report submitted by Santa Cruz County
- No revisions at this time



Facility Permit Updates

1. Divert Integrated Food Recovery Facility, Turlock, located at 4407 West Main Street, Turlock, CA 95380, Stanislaus County, New Solid Waste Facilities Permit, Action Needed July 6, 2024
2. Altamont Landfill and Resource Recovery Facility, Compostable Materials Handling Facility, located at 10840 Altamont Pass Road, Livermore, CA 94551, Alameda County, Revised Solid Waste Facilities Permit, Action Needed June 25, 2024
3. US Borax, Inc - Gangue/Refuse Waste Pile - Boron Operations, Solid Waste Disposal Site, located at 14486 Borax Road, Boron, CA 93516, Kern County, Modified Solid Waste Facilities Permit, Action Needed July 1, 2024

Monthly Public Meeting

10:00 A.M., June 18, 2024
Cal/EPA Building – Byron Sher Auditorium
Via [Webcast](#)

A. DIRECTOR'S REPORT

Presentations or discussions by the Director and/or Executive Offices regarding department matters, legislative updates, public affairs, or initiatives.

B. POLICY & PROGRAM UPDATE

Action Items

1. SB 54 Implementation
Department Staff Contact: Karen.Kayfetz@CalRecycle.ca.gov
2. AB 2440 Implementation
Department Staff Contact: Karen.Kayfetz@CalRecycle.ca.gov
[Public Notice](#)

C. GRANT AND LOAN PROGRAMS

Action Items

1. Eligibility, Scoring Criteria, and Evaluation Process for the Reusable Beverage Containers Infrastructure Grant Program (AB 179, Fiscal Year 2022-23)
Department Staff Contact: Blair.McIntosh@CalRecycle.ca.gov
[Public Notice](#)
2. Eligibility, Scoring Criteria, and Evaluation Process for the Beverage Containers Quality Infrastructure Grant Program (AB 179, Fiscal Year 2022-23)
Department Staff Contact: Blair.McIntosh@CalRecycle.ca.gov
3. Eligibility Criteria, Scoring Criteria, and Evaluation Process for the Beverage Container Recycling Grant Program (California Beverage Container Recycling Fund, Fiscal Years 2024–25 and 2025–26)
Department Staff Contact: TJ.Nguyen@CalRecycle.ca.gov
4. Eligibility Criteria and Evaluation Process for the Rubberized Pavement Grant Program (Tire Recycling Management Fund, Fiscal Years 2024–25 and 2025–26)
Department Staff Contact: Farrah.Fadrigon@CalRecycle.ca.gov

Information Item

1. Awards for the Local Conservation Corps Grant Program (California Beverage Container Recycling Fund, Electronic Waste Recovery and Recycling Account, California Tire Recycling Management Fund, and California Used Oil Recycling Fund, Fiscal Year 2024–25)

Department Staff Contact: Renee.Podris@CalRecycle.ca.gov

[Public Notice](#)

Open Applications:

1. **Used Oil Payment Program**
Application Due Date: June 26, 2024
2. **Farm and Ranch Solid Waste Cleanup and Abatement Grant Program**
Application Due Date: July 9, 2024 (Cycle 83)
3. **Greenhouse Gas Reduction Loan Program**
Application Due Date: Continuous
4. **Recycling Market Development Zone Loan Program**
Application Due Date: Continuous
5. **Tire Incentive Grant Program**
Tentatively scheduled to open June 10, 2024
6. **Tire Derived Aggregate Grant Program**
Tentatively scheduled to open June 11, 2024

D. POLICY MANDATES/WORKSHOPS/RULEMAKING PROCEEDING

Action Items

1. Consideration of Proposed State Mattress Recycling Baseline and Goals (effective July 1, 2024)
Department Staff contact: Sophia.O'Meara@CalRecycle.ca.gov
[Public Notice](#)

2. SB 212 update on 2023 Annual Reports and 2025 Annual Budgets
Department Staff Contact: Cara.Morgan@CalRecycle.ca.gov

Information Items

Nothing to report at this time.

E. LOCAL ASSISTANCE

Action Items

1. Five-Year Review Report for the Countywide Integrated Waste Management Plan for the County of Lake
Department Staff Contact: Marshalle.Graham@CalRecycle.ca.gov
[Public Notice](#)

Information Items

Nothing to report at this time.

F. SOLID WASTE AND TIRE FACILITIES

Action Items

1. Altamont Landfill and Resource Recovery Facility, Compostable Materials Handling Facility, located at 10840 Altamont Pass Road, Livermore, CA 94551, Alameda County, Revised Solid Waste Facilities Permit, Action Needed June 25, 2024
Department Staff Contact: Alyssa.Williams@CalRecycle.ca.gov
[Public Notice](#)
2. US Borax, Inc - Gangue/Refuse Waste Pile - Boron Operations, Solid Waste Disposal Site, located at 14486 Borax Road, Boron, CA 93516, Kern County, Modified Solid Waste Facilities Permit, Action Needed July 1, 2024
Department Staff Contact: Eric.Kiruja@CalRecycle.ca.gov
[Public Notice](#)
3. Santa Maria Regional Landfill, located at 2065 East Main Street, Santa Maria, CA 93454, Santa Barbara County, Revised Solid Waste Facilities Permit, Action Needed July 15, 2024
Department Staff Contact: Gina.Weber@CalRecycle.ca.gov
[Public Notice](#)
4. Oasis Sanitary Landfill, located at 84-505 84th Avenue, Oasis, CA 92274, Riverside County, Modified Solid Waste Facilities Permit, Action Needed July 13, 2024
Department Staff Contact: Theodore.Tasiopoulos@CalRecycle.ca.gov
[Public Notice](#)
3. Cemex Black Mountain Quarry Plant EMSW Conversion Facility, located at 25220 Black Mountain Quarry Road, Apple Valley, CA 92307, San Bernardino County, New Solid Waste Facilities Permit, Action Needed July 13, 2024
Department Staff Contact: Megan.Emslander@CalRecycle.ca.gov
[Public Notice](#)
4. Victor Valley Materials Recovery Facility and Transfer Station, located at 17000 Abbey Lane, Victorville, CA 92394, San Bernardino County, Revised Solid Waste Facilities Permit, Action Needed July 30, 2024
Department Staff Contact: Megan.Emslander@CalRecycle.ca.gov
[Public Notice](#)

Information Item

1. Grant Awards for the Solid Waste Disposal and Codisposal Site Cleanup Grant Program (Solid Waste Disposal Trust Fund, Fiscal Year 2023–24)
Department Staff Contact: Julian.Lopez@CalRecycle.ca.gov
[Public Notice](#)

G. PUBLIC COMMENT

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Unified Program Newsletter – March 2024

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CalEPA

CERS

CERS Stale User Account Deletion

A California Environmental Reporting System (CERS) regulator or business user account that has been inactive for one or more years is considered a stale account. Stale accounts pose a security risk as each account offers a malicious actor opportunity to gain access to CERS. To comply with CalEPA's Information Security policies, any CERS account with no login activity within one year will be disabled and removed. This includes first responder and other government account types.

CalEPA will be emailing users with no recent login activities to prompt a log-in. Please ensure users provided access to CERS who have not logged into CERS within the last year, log in before March 15, 2024, to prevent impacts to user access.

Unified Program Agencies (UPA) shall continue CERS access procedures remain in place per CCR, Title 27 as follows:

- Section 15180(e)(4), requiring established written procedures for providing HMRRP information to emergency response personnel and other appropriate government entities in accordance with HSC Section 25504(c); and
- Sections 15185(f) and 15100(b)(2)(B)(i)(c), requiring access to the information collected in CERS to be provided to local information management systems, and to agencies with shared responsibilities for protection of the public health and safety and the environment.

Cal FIRE OSFM

Aboveground Petroleum Storage Act (APSA) Advisory Committee

The next APSA Advisory Committee meeting will be held on April 3, 2024. The agenda will be available at least 10 days before the meeting on the APSA Advisory Committee website (<https://osfm.fire.ca.gov/committees/aboveground-petroleum-storage-act-apsa-advisory-committee>).

CERS Resources for APSA – How to Complete and Submit

The following resources are available on the OSFM APSA Program websites to assist with your APSA submittal to CERS.

- Is your petroleum regulated under APSA?
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/petroleum>
- Is your facility regulated under APSA?
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/is-my-facility-regulated-under-the-aboveground-petroleum-storage-act>
- Is your farm regulated under APSA?
- <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/is-my-farm-regulated-under-aboveground-petroleum-storage-act-apsa>
and
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/farms>
- Prepare an APSA submittal in CERS
<https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act/preparing-an-aboveground-petroleum-storage-act>

If you have questions about the APSA Program or your APSA submittal in CERS, please contact your local Unified Program Agency (<https://cersapps.calepa.ca.gov/Public/Directory>) or contact OSFM at cupa@fire.ca.gov.

Security of Fuel Tank Systems

With fuel prices continuing to stay high, tank facility owners or operators should take extra precautions to secure their fuel aboveground storage tank (AST) systems from theft. When fuel costs are high, fuel theft is an issue. Common access points for

vandals include fill caps/ports and any other place where equipment provides access and product removed. Vandalism associated with fuel theft often also results in fuel releases.

Tank facility owners or operators are required to ensure they secure and control access to the oil handling, processing, and storage areas; secure master flow and drain valves; prevent unauthorized access to starter controls on oil pumps; secure out-of-service and loading/unloading connections of oil pipelines; and address the appropriateness of security lighting to both prevent acts of vandalism and assist in the discovery of oil discharges (Health and Safety Code, Section 25270.4.5(a) with reference to the Code of Federal Regulations, Title 40, Part 112, Section 112.7(g)).

References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: cupa@calepa.ca.gov.

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Unified Program Newsletter – April 2024

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CalARP/HMBP

Changes to the Hazardous Materials Business Plan (HMBP) and California Accidental Release Prevention (CalARP) Title 19 Regulations

On March 6, 2024, the Office of Administrative Law (OAL) approved a rulemaking package that was submitted by CalEPA pursuant to California Code of Regulations, title 1, section 100. This rulemaking package was filed with the Secretary of State on March 6, 2024. All updates to Title 19 are effective as of March 6, 2024.

The changes reflected in the rulemaking were needed as a result of Assembly Bill 148 (Chapter 115, Statutes of 2021), which transferred the responsibility for the HMBP and CalARP programs from the California Governor's Office of Emergency Services (Cal OES) to CalEPA.

CalEPA amended and relocated portions of California Code of Regulations, title 19, division 2, chapters 4 and 4.5 into a new division 5. CalEPA has also revised cross-

references and added and deleted definitions. These updates do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element.

The documents below identify the changes to Title 19 that were approved by OAL.

- [Final Regulatory Text \(underline/strikeout version\) – HMBP](#)
- [Final Regulatory Text \(underline/strikeout version\) – CalARP](#)

CalEPA has also created a “regulatory crosswalk” which outlines the numbering of Title 19 prior to and after the amendments became effective. [Please see Guidance Document 24-01](#) for the regulatory crosswalk.

If you have any questions or concerns, please contact Elizabeth Brega at Elizabeth.Brega@calepa.ca.gov.

State Water Board

Monitoring Requirements for Product Piping and Secondary Containment

The State Water Resources Control Board (State Water Board) is seeing numerous occurrences where facilities with underground storage tanks (USTs) installed before July 1, 2004, are being supplemented with additional newly installed USTs. State Water Board staff are fielding questions on which shared components, including sumps and under dispenser containment (UDC), require vacuum, pressure, or hydrostatic pressure (VPH) monitoring and enhanced leak detection (ELD) testing.

In the proposed California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations) rewrite, secondarily contained USTs will be identified as Type I (installed before June 30, 2003), Type II (installed between July 1, 2003, and June 30, 2004) and Type III (installed after July 1, 2004). All Type III USTs must be VPH monitored, including the tank, product piping, buried vent, vapor recovery, fill pipe, and associated secondary containment, and an ELD test must be performed before the system becomes operational. Type III UST system sumps or UDCs that are shared with Type I or II UST systems must be VPH monitored as the sump or UDC is the secondary containment for the Type III system. However, Type I and II components connected to the shared sumps or UDCs, including vent, vapor recovery, fill pipe, and product piping are not required to be VPH monitored or perform ELD testing if the Type I and II product piping is not connected to the Type III UST system.

For additional information regarding the monitoring requirements of piping and secondary containment, contact:
Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov.

Emergency Tank Systems

Effective January 1, 2024, Assembly Bill (AB) 1716 amended the Health and Safety Code, chapter 6.7 (H&SC 6.7) provisions of the Emergency Generator Tank Systems to expand the definition to “emergency tank system” that stores diesel or kerosene solely for use by one or more of the following emergency stationary devices: 1) an emergency generator that provides power supply in the event of a commercial power failure or disruption; 2) a fire suppression system used to extinguish, control, or prevent spreading of fires; and 3) a steam generation pressure tank.

State Water Board staff have received questions regarding the construction and monitoring requirements for unburied piping connected to emergency tank systems. To clarify, unburied product piping connected to an emergency tank system does not require continuous monitoring if the owner or operator conducts a visual inspection of the piping, no less than monthly, and maintains a log of inspection results per H&SC 6.7 section 25281.5(b)(3). To meet this exclusion, the unburied product piping must be connected to an emergency tank system that is solely used for emergencies, in accordance with H&SC 6.7 section 25281.5(c). If the unburied product piping meets the exclusion requirements above, the unburied piping is not required to meet the construction, monitoring, and testing requirements of UST Regulations, Article 3.

Alternatively, if a UST supplies one or more stationary devices that is not solely used for emergencies, such as a non-emergency boiler, the UST would not qualify as an emergency tank system and would not meet the unburied piping exclusion. UST systems that are connected to non-emergency stationary devices must meet all construction, monitoring, and testing requirements of UST Regulations, Article 3, including continuous monitoring and utilizing a line leak detector that restricts or shuts off flow.

For additional information regarding emergency tank systems, contact:
Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov.

UST Cleanup Fund Extension

Effective January 1, 2024, AB 1115 extends the Cleanup Fund and companion programs, including Replacing, Removing or Upgrading (RUST) grants and loans, through January 1, 2035. UST owners and operators will also be able to use the UST Cleanup Fund as a financial responsibility mechanism until December 31, 2034.

On November 17, 2023, the State Water Board distributed a [letter to the Unified Program Agencies \(UPAs\) and UST community](https://www.waterboards.ca.gov/ust/docs/2023/ust-statutory-provisions-ab-1716-and-ab-1115.pdf) (<https://www.waterboards.ca.gov/ust/docs/2023/ust-statutory-provisions-ab-1716-and-ab-1115.pdf>) that outlines the amended provisions and provides a link to the complete text of AB 1115. Additionally, the amended version of [H&SC 6.7](#), effective January 1, 2024, is available on the State Water Board website (https://www.waterboards.ca.gov/water_issues/programs/ust/regulatory/docs/final-hsc-2024-access.pdf).

For more information regarding AB 1115, contact:
Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov.

Health and Safety Code and UST Regulation

Amendments to H&SC 6.7 can create inconsistencies with current UST Regulations. When amendments are made to H&SC 6.7, it is not always feasible to immediately prepare a UST rulemaking to address the amendments in UST Regulations. The State Water Board is preparing a UST rulemaking to be noticed later this year that will address recent code amendments.

During these periods where H&SC 6.7 and UST Regulations are unaligned, UPAs should defer to H&SC 6.7. For example, H&SC 6.7 section 25285(b) was amended limiting the conditions preventing the issuance of the UST Operating Permits exclusively to when a red tag is affixed, when the facility is subject to an enforcement action, or if the UST owner or operator has not paid their fee and surcharge. This amendment to H&SC 6.7 will require modifications to the UST Regulations, section 2712 permit conditions. The proposed UST Regulations will maintain the requirements found in the current permit conditions; however, issuance or renewal of UST Operating Permits is no longer linked to compliance with these requirements.

For additional information regarding this issue, contact:
Kaitlin Cottrell at (916) 319-0742 or Kaitlin.Cottrell@waterboards.ca.gov.

Overfill Prevention Equipment Inspection Reminder

Overfill prevention equipment (OPE) inspections are required upon installation, within 30 days of repair, and every 36 months beginning October 1, 2018. Additionally, USTs installed before October 1, 2018, were required to conduct the initial OPE inspections by October 13, 2018.

Tests and inspections are required to be completed any time before or during the month the testing or inspection is required, in accordance with UST Regulations, section 2620(e). For OPE inspections completed by October 13, 2018, the first reinspection due date was on or before October 31, 2021. The next cycle of these OPE inspections must be completed by October 31, 2024.

A UST owner or operator may change the due date of the OPE inspection by performing the inspection early, but an inspection conducted late will not change the due date. OPE inspections completed late after the October 31, 2021, deadline is still due prior to October 31, 2024, to remain in compliance.

State Water Board staff encourage UPAs to remind UST owners or operators to complete the OPE inspection before or during the month the inspection is due.

For additional information regarding OPE inspections, contact:
Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov or
Kaitlin Cottrell at (916) 319-0742 or Kaitlin.Cottrell@waterboards.ca.gov.

26th Annual CUPA Conference- UST Leak Prevention Presentations

The 26th CUPA Conference was held February 26-29, 2024, in Burlingame, California. State Water Board staff appreciated the opportunity to discuss technical and administrative UST questions with UPAs, stakeholders, and industry. Below are brief summaries of UST Leak Prevention presentations.

California Code of Regulations, Chapter 16 Rewrite

Austin Lemire-Baeten, Greg Breshears, Dayna Cordano, and Steven Mullery covered proposed changes to UST Regulations ahead of the formal rulemaking period beginning this fall. The presentation discussed changes to the proposed UST Regulations organization, definitions, certifications for UST personnel, construction, monitoring, and testing requirements for USTs, and closure and cleanup procedures. Additionally, the presentation covered changes to UST forms and upcoming milestones, including the expected January 1, 2026, effective date of the draft UST Regulations.

Overview of the Leak Prevention Program

Tom Henderson provided the yearly update of the State Water Board's UST Program. He covered program statistics, single-walled tanks, the UST Regulations rewrite, and UPA evaluation updates. Tom also discussed AB 1716 and 1115, temporary closure, abandoned USTs, and upcoming enforcement guidance for UPA evaluations and single-walled UST systems.

Inspection and Enforcement of Single-walled USTs

Jenna Hartman and Tom Henderson presented the unique single-walled UST inspection requirements and enforcement options ahead of the December 31, 2025, deadline. The presentation identified commonly missed violations during CUPA compliance inspections and a timeline of enforcement options now through January 1, 2026.

The CUPA Performance Evaluation and Assessment Process

Kaitlin Cottrell and other state agency evaluators presented on the CUPA Performance Evaluation Process. The presentation covered the State Water Board's UST program assessment, including changes made to the Supplemental Questionnaire, single-walled UST systems focused evaluations, and improvements made to the UST evaluation process. Additionally, the presentation discussed the importance of California Environmental Reporting System (CERS) data cleanup ahead of the CERS NextGen data migration.

DTSC

Newly Formed DTSC CUPA Training and Assistance Unit

We are pleased to inform you that the CUPA Training and Assistance Unit (CUPA TA Unit) is currently in the Training Needs Assessment phase of our work. This crucial stage involves the collection of training topics from the CUPAs and a thorough review of

the CUPAs triennial performance evaluation Final Summary of Findings to generate potential training topics.

On March 13, 2024, the CUPA TA Unit sent an email to all CUPAs, requesting submittal of suggested training topics that would greatly benefit their respective agencies.

We extend our sincere gratitude to the 13 CUPAs who have already responded to our email. We encourage all CUPAs to continue providing us with the training topics they would like to see the CUPA TA Unit develop and provide in the near future. Please submit suggested trainings topics by April 19, 2024, to DTSC_CUPATrainers@dtsc.ca.gov. Your input is invaluable to us, and CUPA TA Unit will send a reminder email to all CUPAs prior to the due date.

Once all the training topics have been compiled, CUPAs will have the opportunity to prioritize them according to your organization's needs. CUPA TA Unit will send a questionnaire, in Fall 2024, for the CUPAs to prioritize potential training topics.

We welcome any training-related meeting requests, brainstorming sessions, comments, feedback, or questions that you may have. Please do not hesitate to reach out to us via email at DTSC_CUPATrainers@dtsc.ca.gov or by phone at (833) 862-1637.

Thank you for your continued support and collaboration.
DTSC CUPA Training and Assistance Unit.

Hazardous Waste Tracking System (HWTs) News Webpage

Learn about the latest HWTs news and information by visiting the newly created HWTs News webpage at <https://dtsc.ca.gov/hwts-news/>.

Telephone Operation Hours

Effective April 15, 2024, the telephone support hours for the hazardous waste ID number general assistance line (1-800-618-6942) and the electronic Verification Questionnaire System assistance line (1-877-454-4012) hours will be changing from Monday through Friday from 9:00 AM to 3:00 PM to 9:00 AM to 2:00 PM Pacific Time.

HWTs and RCRAInfo Regulatory Agency User Accounts Cleanup Update

Thank you to those who participated in DTSC's Office of Environmental Information Management's Business Operations Unit User Accounts Cleanup during December 2023. Over 150 HWTs and RCRAInfo regulatory agency users were identified as no longer needing access and their accounts were deactivated. Thank you for helping us keep the HWTs and RCRAInfo System secure. Let's continue to be vigilant and make user account cleanups an ongoing effort.

Generator Improvements Rule (GIR)

DTSC submitted the generator improvements rule (GIR) final rulemaking package to the Office of Administrative on March 22, 2024. The Office of Administrative has 30 days to review and approve the package. If approved, the GIR will become effective in

California starting July 1, 2024. The GIR rulemaking package proposes to adopt federal hazardous waste requirements that are equivalent to or more stringent than California's existing hazardous waste program. The rulemaking also proposes to reorganize several sections, and make other conforming updates, to align with the federal regulatory structure.

The DTSC emergency regulation for the conditional exemption for undeployed airbag waste was approved by the Office of Administrative and became effective on March 15, 2024. The regulation is intended to facilitate the expedited removal of defective undeployed airbags from vehicles and reduce the safety risk posed by their long-term storage. The emergency regulation remains in effect for 180 days. However, DTSC intends to conduct rulemaking to permanently adopt the regulation. The rulemaking package is on DTSC's website at <https://dtsc.ca.gov/airbag-waste-management/>.

References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: cupa@calepa.ca.gov.

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CalEPA

Approved California Code of Regulations, Title 27 (27 CCR) Regulation Changes

On March 14, 2024, the office of Administrative Law approved a rulemaking package that was submitted by the California Environmental Protection Agency. This rulemaking package was filed with the Secretary of State on March 14, 2024. All updates to 27 CCR become effective on July 1, 2024.

Please visit the Unified Program Proposed Regulations [webpage](https://calepa.ca.gov/unified-program-home/unified-program-proposed-regulations/) for more information. (<https://calepa.ca.gov/unified-program-home/unified-program-proposed-regulations/>)

27 CCR Webinars

CalEPA will be presenting three 27 CCR webinars to showcase some of the changes to the regulations which become effective July 1, 2024. While most of the changes are non-substantive, there are some changes that are, such as education and training requirements and new definitions. The webinars will be covering the same information, so there is no need to attend more than one webinar. CalEPA will not be fielding questions during the webinars.

The three webinars will be conducted on the following dates:

June 11, 2024, 9:00-10:00 am
June 12, 2024, 10:00-11:00 am
June 13, 2024, 2:00-3:00 pm

Links to the webinars may be found on the [CalEPA Unified Program](https://calepa.ca.gov/cupa/) home page.
(<https://calepa.ca.gov/cupa/>)

CalARP/HMBP

Process Safety Performance Indicators for California Accidental Release Prevention (CalARP) Program 4 Facilities

The Process Safety Performance Indicators for CalARP Program 4 facilities are due to the Unified Program Agency (UPA) and to CalEPA by June 30, 2024. Facilities may submit the Process Safety Performance Indicators information to the CalARP@calepa.ca.gov inbox. Facilities may use the [Annual CalARP Process Safety Performance Indicator Form](#), or can submit the equivalent information required by 19 CCR Section 5110.19(h)(1) subsections (A) through (E).
(<https://calepa.ca.gov/wp-content/uploads/sites/6/2024/04/Annual-Process-Safety-Performance-Indicator-Form-Fillable-Template-4.2.2024-1.pdf>)

Information regarding the requirements and access to the form can also be found on our [website](#).

([https://calepa.ca.gov/california-accidental-release-prevention/california-accidental-release-prevention-program-4-for-refineries/#:~:text=Process%20Safety%20Performance%20Indicators%20\(PSPI\)\)](https://calepa.ca.gov/california-accidental-release-prevention/california-accidental-release-prevention-program-4-for-refineries/#:~:text=Process%20Safety%20Performance%20Indicators%20(PSPI))))

Changes to the Hazardous Materials Business Plan (HMBP) and California Accidental Release Prevention (CalARP) Title 19 Regulations

On March 6, 2024, the Office of Administrative Law (OAL) approved a rulemaking package that was submitted by CalEPA pursuant to California Code of Regulations, Title 1, Section 100. This rulemaking package was filed with the Secretary of State on March 6, 2024.

The changes reflected in the rulemaking were needed as a result of Assembly Bill 148 (Chapter 115, Statutes of 2021), which transferred the responsibility for the HMBP and CalARP programs from the California Governor's Office of Emergency Services (Cal OES) to CalEPA.

CalEPA amended and relocated portions of California Code of Regulations, Title 19, Division 2, Chapters 4 and 4.5 into a new Division 5. CalEPA has also revised cross-references and added and deleted definitions. These updates do not materially alter

any requirement, right, responsibility, condition, prescription, or other regulatory element.

The documents below identify the changes to Title 19 that were approved by OAL. All updates to Title 19 are effective as of March 6, 2024.

- [Final Regulatory Text \(underline/strikeout version\) – HMBP](https://calepa.ca.gov/wp-content/uploads/sites/6/2024/03/19-CCR-Div-5-Ch-1-Final_Underline_Strikeout.pdf)
(https://calepa.ca.gov/wp-content/uploads/sites/6/2024/03/19-CCR-Div-5-Ch-1-Final_Underline_Strikeout.pdf)
- [Final Regulatory Text \(underline/strikeout version\) – CalARP](https://calepa.ca.gov/wp-content/uploads/sites/6/2024/03/19-CCR-Div-5-Ch-2-Final_Underline_Strikeout.pdf)
(https://calepa.ca.gov/wp-content/uploads/sites/6/2024/03/19-CCR-Div-5-Ch-2-Final_Underline_Strikeout.pdf)

CalEPA has also created a “regulatory crosswalk” which outlines the numbering of Title 19 prior to and after the amendments became effective. Please see [Guidance Document 24-01](#) for the regulatory crosswalk.

(<https://calepa.ca.gov/wp-content/uploads/sites/6/2024/03/Guidance-Documents-24-01-Regulatory-Crosswalk-for-HMBP-and-CalARP-Title-19-Changes.pdf>)

If you have any questions or concerns, please contact Elizabeth Brega at Elizabeth.Brega@calepa.ca.gov.

State Water Board

RUST Applications

The State Water Resources Control Board (State Water Board) processes a limited number of Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) applications per year. Currently, there are approximately 800 single-walled underground storage tank (UST) facilities required to be permanently closed by December 31, 2025. With current resources, the State Water Board may be able to process approximately 100 RUST applications prior to the removal deadline.

During review of RUST applications, the State Water Board analyst often observes incorrect or missing facility information, such as missing property owner information, an operator incorrectly listed as also being the UST owner, or a missing owner/operator agreement when it is required pursuant to California Code of Regulations, title 23, chapter 16 (UST Regulations), section 2620(b). Incorrect or missing owner and operator information may delay RUST application processing.

UST owner and operator information and the owner/operator agreement must be submitted in the California Environmental Reporting System (CERS) per UST Regulations, section 2711(a). When reviewing CERS submittals, Unified Program Agencies (UPAs) should ensure that the owner and operator information is accurate and that an owner/operator agreement is submitted, if applicable. Additionally, to keep

the UPAs informed regarding the RUST application process, the RUST analyst reviewing the grant or loan application will include UPA personnel in all nonconfidential correspondence.

For additional information regarding RUST applications, contact:
Johnny Wales at (804) 852-7274 or Johnny.Wales@redhorsecorp.com or
Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Designated UST Operator Responsibilities

The Designated UST Operator (DO) must identify and document compliance issues which cause the UST system to be out of compliance during the visual inspection, including reviewing testing and maintenance records to verify they have been completed in accordance with UST Regulations, section 2716(b)(3). All testing and maintenance compliance issues must be documented for testing and maintenance in section 10 of the Designated UST Operator Visual Inspection Report.

When reviewing testing and maintenance records, the DO must verify if testing and maintenance was completed within the timeframe required in UST Regulations and Health and Safety Code, division 20, chapter 6.7 (H&SC). Testing or maintenance is considered “complete” when all components are tested, regardless of whether a component fails or requires replacement during the test or maintenance. If the DO finds the test or maintenance was conducted, but components failed or required replacement, the DO should mark “Yes” for the test or maintenance in section 10 and note the failed or replaced component in section 3. If the DO finds the test was not completed within the required timeframe, the DO should mark “No” for the test or maintenance in section 10 and describe this compliance issue in section 3.

During the compliance inspection, UPAs should review the Designated UST Operator Visual Inspection Report for compliance with UST Regulations. Compliance issues that are not addressed or appropriately documented in the Designated UST Operator Visual Inspection Report should be cited as violations in the UPA’s inspection report.

For additional information regarding DO responsibilities, contact:
Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov.

Enhanced Leak Detection Testing for New UST Construction

Enhanced Leak Detection (ELD) testing determines the integrity of a UST system through detection of both vapor and liquid phase releases at 0.005 gallons per hour from any portion of the UST system primary containment with a probability of detection of at least 95 percent and a probability of false alarm no greater than 5 percent per UST Regulations, section 2644.1. H&SC section 25290.1(j) and 25290.2(i) requires ELD testing to be performed before a newly installed UST system is placed in use.

As a reminder to UPA inspectors, ELD testing may be performed only on a newly installed UST system after all ground penetrating work or surface installation atop or immediately adjacent to the buried UST primary containment components are

completed, which includes, but is not limited to, backfilling, asphalt and concrete work, and any beautification requirements adjacent to UST components.

For additional information regarding ELD testing, contact:
Jenna Hartman at (916) 327-8563 or Jenna.Hartman@waterboards.ca.gov.

DTSC

Generator Improvements Rule

DTSC's Generator Improvements Rule (GIR) rulemaking package was approved by the Office of Administrative Law on May 6, 2024. The rulemaking adopts federal hazardous waste requirements that are equivalent to or more stringent than California's existing hazardous waste program. The rulemaking also reorganizes several sections and makes other conforming updates to align with the federal regulatory structure. The GIR will become effective in California starting July 1, 2024.

Cal FIRE OSFM

Aboveground Petroleum Storage Act (APSA) Advisory Committee

The next APSA Advisory Committee meeting will be held on June 4, 2024. The agenda will be available at least 10 days before the meeting on the APSA Advisory Committee website (<https://osfm.fire.ca.gov/committees/aboveground-petroleum-storage-act-apsa-advisory-committee>).

Emergency Generators and APSA

Question: Is there an APSA exemption for portable emergency generators?

Answer: There is no exemption for portable emergency generators with 55 gallons or more of petroleum.

Question: Is secondary containment required for portable emergency generators?

Answer: Yes.

For more information on secondary containment requirements, refer to Chapter 5 of the "Spill Prevention, Control, and Countermeasure (SPCC) Guidance for Regional Inspectors" on the U.S. Environmental Protection Agency website at <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/spcc-guidance-regional-inspectors>.

For more information on APSA, refer to the APSA Program Guidance Document at <https://osfm.fire.ca.gov/what-we-do/pipeline-safety-and-cupa/certified-unified-program-agency/aboveground-petroleum-storage-act>.

APSA Webinars

APSA webinars are coming soon. The first series will be provided by OSFM in late June and will cover petroleum regulated under APSA. Details will be provided in next month's newsletter.

References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: cupa@calepa.ca.gov.


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Agenda Item VIII

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The EPA describes the Chiquita Canyon Landfill as a 639-acre municipal solid waste (MSW) landfill located in the northern section of Los Angeles County.

Photo courtesy of the United States Environmental Protection Agency

BRIAN TAYLOR | JUNE 12, 2024



The U.S. Environmental Protection Agency (EPA) has issued a violation notice to Chiquita Canyon LLC (CCL), a Southern California landfill operated by Texas-based Waste Connections Inc., regarding New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for municipal solid waste (MSW) landfills.

The Chiquita Canyon Landfill is a 639-acre MSW landfill located in the northern section of Los Angeles County and has been accepting MSW since 1972.

In a June 4 notice, the EPA describes typical landfill procedures, including deployment of daily cover, handling of liquids (leachate) and the pumping of gases and liquids and follow-up treatment “to avoid environmental damage and harm to public health.”

Scroll to continue with content

permits," the EPA says.

According to the agency, in the past two years, conditions at the landfill have raised concerns about the operators' ability to keep leachate and emissions in check.

"Since approximately May 2022, the landfill has been experiencing a significant subsurface oxidation event that has grown in size and impact," the EPA writes in an early-June update. "An oxidation event is a subsurface reaction at a landfill that typically occurs when oxygen intrudes below the landfill cover and results in extreme temperature increases, excessive leachate production, and a change in composition of the landfill gas. During such reactions, the concentrations of carbon monoxide, hydrogen sulfide and volatile organics are typically increased in the landfill gas, while methane is decreased."

DURA-BOTTOM™ CONTAINER SYSTEM



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Say goodbye to corroded dumpster bottoms

The Dura-Bottom high-density polyethylene bottom by Impact Environmental Group has the durability of steel but won't rust or corrode.

Even though Chiquita Canyon Landfill has a methane gas collection system, it may not be sufficiently helpful regarding the new conditions, according to the EPA.

"The subsurface reaction impeded the ability of the gas collection and control system to operate effectively, resulting in the increase in odors," it continues. "Residents of the communities surrounding the landfill reported almost 6,800 odor complaints in 2023. Further, the reaction has resulted in increased leachate production from approximately

In an early-June update, the EPA writes: “EPA found that CCL failed to adequately operate the landfill’s active collection system at gas collection wells in applicable areas, failed to operate air pollution and control equipment in a manner consistent with good air pollution control practices, failed to correct landfill gas temperatures inside and outside the reaction area and failed to adequately monitor landfill gas temperatures. The Clean Air Act (CAA) authorizes EPA to issue an order requiring compliance with the requirements of the CAA, issue an administrative penalty order or commence a civil action seeking an injunction and/or civil penalty.”

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TOP STORY

- Gibson Energy, Varne Energy secure funding for waste-to-energy project

MARKETS & OPERATIONS

- Divert proposes new facility in Pennsylvania
- Northwest Arkansas communities tackle debris after tornadoes
- Biden-Harris administration announces national strategy to reduce food loss and waste and recycle organics
- The Junkluggers hires brand president

- Kubicon receives stock market delisting notice

LANDFILLS

- Oregon county explores new landfill site
- California landfill receives US EPA scrutiny
- Landfill compaction dos and don'ts

CONVERSION TECHNOLOGY

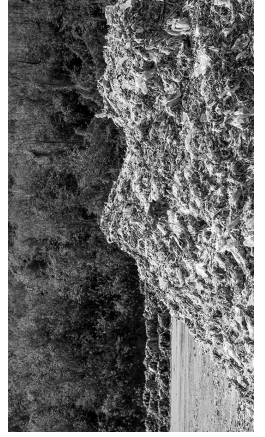
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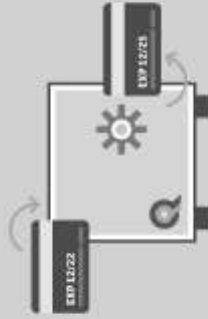
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One South Bay school flouts California recycling law — but few complain

Mixing garbage contaminates recyclables with other waste and makes it unusable



A recycling bin at Los Gatos High School is shown locked last Dec.. The school only recycles paper, not other materials required by state law. (Julia Dang / Mosaic Staff)



By **JULIA DANG** | Mosaic 2023

PUBLISHED: June 7, 2024 at 9:34 p.m. | UPDATED: June 10, 2024 at 4:40 a.m.



Editor's Note: This article was written for Mosaic Vision, an independent journalism training program for high school students who report and photograph stories under the guidance of professional journalists.

Like many other high schools, Los Gatos High School strives to make students better citizens who are knowledgeable about the impact of climate change. The issue is part of the school's curriculum in advanced placement Environmental Science, Biology, Government, and English classes.

But when students need to dispose of their recyclable waste, there is no option but to toss everything into the solid waste garbage bin. The cafeteria serves food to around 1,200 students each day, creating a mountain of aluminum, plastic, and uneaten food. Yet composting, as well as recycling for aluminum and plastic, are not available options. The cafeteria recycling bins are padlocked shut during the day, with Los Gatos High offering recycling only for clean paper.

The school's non-recycling stance contradicts California's recycling laws. When the state's Mandatory Commercial Recycling law took effect in June, 2012, public entities that generated a specified threshold of solid waste were required to "reuse, recycle, compost, or otherwise divert solid waste from disposal," according to CalRecycle, the state entity responsible for recycling.

CalRecycle's website clearly spells out the rules as they apply to schools: "Wherever recycling or organic waste is generated, a school must provide an appropriate container adjacent to the solid waste container to capture and divert recycling and organic waste. Containers must be easily accessible, visible, and clearly labeled."

If the law is so straightforward, why isn't the school complying?

AD



A big issue was the contamination of the recycling bins with non-recyclable materials. Students were dumping non-recyclable garbage into the recycling bins to the point that, in 2021, the school's Environmental Outreach Club decided to ask the school to padlock the bins to prevent students from disposing unsorted materials into them.

The school does collect recyclable paper in cardboard containers throughout the school – and the bins essentially are used as a collection point for that recycled clean paper – but not material generated from cafeteria lunches.

Despite acknowledging his familiarity with Senate Bill 1383, the state's recycling legislation, Principal Kevin Buchanan stands firmly behind the school's policy of non-compliance. "I occasionally notice one or two [recycling bins] with missing locks and I put in a work order to have them replaced," he said.

CalRecycle only investigates school compliance if someone files a complaint. That's something that rarely happens, to the degree that "Enforcement staff did not receive any complaints or referrals last year for school districts, so no local education agencies were evaluated in 2023," said Lance Klug, a CalRecycle spokesperson.

Even as schools like Los Gatos High get a free pass on not recycling, the state is widening efforts to encourage recycling by passing laws as a new Edible Food Recovery law, which took effect on Jan. 1. It requires local education agencies with an on-site cafeteria to donate all uneaten and unused food to a food recovery organization and keep records about their donations.

Some students feel that the school could comply with recycling laws if it did a more aggressive job of educating students about what to recycle and how to properly do it.

"I think that we should have more clubs that teach people how to recycle. No one at our school has explained that type of stuff." said Kiana Mehrany, senior.

"I always see everyone throwing away the food and the trash in the same trash can," said junior Haley Jung. "Nobody is doing recycling at the school except for paper, but I think that's not going well."

While some area schools have much more efficient recycling programs, the students have similar attitudes. Evergreen Valley High School Student Minh-Khang Le thinks his San Jose school's program, which involves recycling bins that easily divide waste into trash recycling and composting, does a good job. However, he thinks that more people should be better educated on recycling, saying "some students don't think too much about it and put everything in a nearby bin that looks like trash."

Amanda Robison, a student at Leigh High School in San Jose, mirrors Le's beliefs, expressing concern that no matter what their school does, it is only as effective as the students' willingness to actually recycle, saying "they'll just throw stuff in whatever bin is closer."

Meanwhile, unless anyone officially complains, Los Gatos High's non-recycling approach is unlikely to change.

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By David Jen
May 2, 2024



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LIVERMORE

The Alameda County Taxpayers' Association (ACTA) is suing the City of Livermore in Alameda Superior Court, alleging that the city collected fees illegally under Propositions 218 and 26. ACTA is also asking that the fees be refunded to all of the city's garbage customers.

Approved by state voters in 1996, Proposition 218 amended the California Constitution to require voter approval for all taxes imposed, extended, or increased by local governments.

According to the California Legislative Analyst's Office, prior to the measure, many local governments leaned heavily on revenues from assessments, property-related fees and small general-purpose taxes to compensate for revenues lost when Proposition 13 limited their ability to raise property taxes in 1978.

As Proposition 218 did not define "tax," in 2010 state voters approved another constitutional amendment — Proposition 26 — defining the term as "any levy, charge, or exaction of any kind imposed by a local government."

ACTA's class-action lawsuit, filed earlier this year, alleges that certain fees paid to the city by its garbage contractor, Livermore Sanitation, effectively served as a tax levied on its customers, and that the fees did not gain voter approval even though Proposition 218 required that they do so.

Livermore Sanitation provides solid waste, recycling and compost collection services in Livermore.

The fees contested in the lawsuit, which are paid by Livermore Sanitation to the city, include the following annually: a \$640,000 street sweeping fee, a \$1.06 million vehicle impact fee, and a \$178,000 neighborhood preservation fee, as well as an exclusive-rights fee for Livermore Sanitation amounting to 11% of its gross rate revenues.

Livermore Sanitation performs none of these services.

Addressing the solid waste services agreement at issue, ACTA alleges in the lawsuit that "the City and Livermore Sanitation understand and expect Livermore Sanitation to embed the agreement fees in its solid waste service fees, effectively passing on all of the agreement fees to its customers."

The fees pay for services provided to the public at large that are normally paid out of tax proceeds. The services benefit "anyone who lives, works and travels through the city, regardless of whether they pay the charge," continued the lawsuit.

Proposition 26's definition of tax exempts charges that are imposed for a specific benefit conferred, privilege granted, or government service provided directly to the taxpayer "that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege (or) of providing the service."

In response, Livermore Interim Public Works Director Judy Erlandson said, "Under the franchise agreement, the hauler pays the city agreement, street sweeping, vehicle impact, and neighborhood preservation fees. The fees do not require voter approval because they are exempt charges under the California Constitution."

Another City of Livermore staff member said that because the fees are charged to a private hauler and because they are not property-related fees, they did not require voter approval as outlined in Proposition 218.

"These are fees and not taxes," said staff.

Neither Livermore Mayor John Marchand nor City Attorney Jason Alcala responded before The Independent's deadline.

Alan Heckman, an individual plaintiff in the lawsuit, said, "Really, what a city should be doing is trying to find good service for us at the best rate. That's what they should do. And what they are doing is they're using the garbage service to charge us an illegal tax."

According to the lawsuit, ACTA looks to stop the city from collecting the fees and to order "a refund of unlawful taxes and fees on behalf of a class of solid waste services customers."

In 2009, the city and Livermore Sanitation entered into an exclusive franchise agreement for solid waste services. The agreement was extended in 2020 for another 10 years.

According to the city's website, "It is mandatory that all residents and businesses subscribe with Livermore Sanitation for solid waste cart collection services."

An initial case management conference before Superior Court Judge Michael Markman is scheduled for June.

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Plastic industry braces for legal clashes over recycling claims

By Ellie Borst | 06/06/2024 01:37 PM EDT

Plastic producers are investing heavily in controversial methods of boosting stagnant recycling rates to repair the public's growing distrust.



Workers sort colored plastics at the Montgomery County Recycling Center in Rockville, Maryland. Tim Sloan/AFP via Getty Images

The stage has been set for a fresh legal showdown over plastics, and the industry is on guard.

The strategy — which hinges on the industry long knowing plastics recycling could never be a viable, long-term solution to a burgeoning global pollution concern but continuing to peddle the lie anyway — mirrors highly effective attacks on tobacco and “forever chemicals” manufacturers.

“There’s a value, for political purposes, to use litigation as a tactic,” Plastics Industry Association (PLASTICS) CEO Matt Seaholm said. “So I think we have to fully anticipate that there will unfortunately be more litigation in the future.”

Bracing for a wave of lawsuits from advocacy groups and state attorneys general, plastic producers are investing heavily in controversial approaches to boosting stagnant recycling rates to repair the public's growing distrust.

California Attorney General Rob Bonta recently told Reuters (<https://www.reuters.com/sustainability/climate-energy/california-wrap-up-exxon-plastics-probe-in-weeks-ag-says-2024-04-23/>) he is "weeks" away from releasing his office's findings from a two-year probe into the roles Exxon Mobil and other petrochemical or fossil fuel companies have played in pushing a "decades-long campaign of deception" (<https://oag.ca.gov/news/press-releases/attorney-general-bonta-announces-investigation-fossil-fuel-and-petrochemical>). A spokesperson for Bonta's office recently confirmed there are no further updates.

Last year, New York Attorney General Letitia James brought charges against PepsiCo, alleging its plastic pollution created a public nuisance and health risks the company failed to warn the public about, all while promoting misleading statements about the efficacy of recycling.

Bethany Davis Noll, who works with state attorneys general on clean energy and climate work as executive director of New York University School of Law's State Energy & Environmental Impact Center, said "it's highly likely" we'll see an uptick in similar lawsuits, adding that "plastics has been a space [attorneys general have] been working on more and more."

She said New York's complaint is "a classic case of public nuisance, and I'm certain that other states are looking at the same thing."

Pat Parenteau, emeritus professor and senior fellow for climate policy at the Vermont Law and Graduate School, agreed, adding "it will take some time" before other states catch on, since larger states like New York and California "have the most muscle behind them."

Bonta's and James' actions each mark the first time a state attorney general has launched an investigation or sued, respectively, over the feasibility of plastics recycling. But it's not the first time plastics have been scrutinized in court.

Spike in recyclability claims lawsuits

Litigation over the issue dates back to 1974, according to NYU's Plastics Litigation Tracker (<https://plasticslitigationtracker.org/>), when the Natural Resources Defense Council first argued the then-2-year-old Clean Water Act required EPA to limit plastic discharge as a pollutant.

Since then, at least 50 cases have been brought on a range of issues, including industry fights against state or local laws banning single-use plastic grocery bags or other plastics.



EPA estimates around 9 percent of all plastics are recycled each year. | Sigmund/Unsplash

The past five or so years saw a significant uptick in litigation over brands marking products or packaging as recyclable even though there is little chance it would actually get processed and turned into something new.

Connecticut's attorney general sued Reynolds Consumer Products in 2022 alleging the company falsely advertised its Hefty trash bags as recyclable when they weren't accepted at any state recycling facilities. A year later, Minnesota's attorney general brought similar complaints against Reynolds as well as Walmart. Both cases are still pending.

Environmental advocacy groups including Sierra Club, the Last Beach Cleanup and Earth Island Institute have filed misinformation complaints against producers of single-use plastic bottles, to name a few examples.

Such cases "have a mixed record in court," Parenteau said in an email.

"Judges are looking for clearer regulatory standards for what constitutes misrepresentation, false advertising or greenwashing as opposed to aspirational goals or puffery, which isn't actionable," he continued.

As of now, there is no federal legal definition (<https://www.eenews.net/articles/how-does-epa-define-unrecyclable-plastic-it-doesnt/>) for "recyclable." The Federal Trade Commission's "Green Guides" offer some guidance (<https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-issues-revised-green-guides/greenguides.pdf>) on recyclability or recycled content claims, but they're not enforceable.

"The latest FTC Green Guides can help but greater detail is required," Parenteau said.

Greater detail may soon be coming, as the FTC was slated to release updates to the 12-year-old guidelines this year. FTC spokesperson Mitchell Katz said there is "no update yet" on when.

EPA estimates around 9 percent of all plastics are recycled each year, with other researchers pinning that number closer to 5 percent. Whether a plastic product can be recycled depends on the type of plastic, its color, density, leftover residue or other contaminants, feasibility of end markets, sortation technology, collection efforts and so on.

The plastic industry maintains the plastic pollution problem can be solved by investing in and scaling up recycling efforts. Environmentalists are less hopeful, pointing to decades with little to no improvements on overall plastic recycling rates, mechanical recycling's current limitations and the large quantities of microplastics.

A brushed-up playbook

In February, the Center for Climate Integrity [released a report](https://subscriber.politicopro.com/eenews/f/eenews/?id=0000018d-ad57-d7fe-abbd-fff75c890001) detailing a decadeslong history laying the groundwork for legal action against companies making petrochemicals and their trade associations.

"It is certainly a novel theory that we are exploring ... with the target now becoming the petrochemical industry itself," said Alyssa Johl, vice president and general counsel for CCI and co-author of the report. "I absolutely see this as something that is going to really take off."

The report follows the "coordinated campaign" from the 1950s to present day on how the plastic industry "sold the myth of recycling in order to sell more plastics to consumers, all the while they'd had long-standing knowledge that plastic recycling would never be a true and effective solution to plastic waste," Johl said.

It's the same playbook used in major cases over tobacco, opioids and PFAS, aka "forever chemicals": Producers knew of the harms and concealed them.

Efforts were largely led by the American Plastics Council, which the American Chemistry Council absorbed in 2002, and the Society of the Plastics Industry, which rebranded as the Plastics Industry Association, or PLASTICS, in 2010. The two trade associations represent petrochemical companies, historically covering members such as DuPont, Dow, Occidental and Eastman.

"We disagree with pretty much all of [the report]," said Ross Eisenberg, vice president of ACC's Plastics Division. "We are firmly focused on solving a problem which is, at its core, a very solvable problem. Dwelling on the past is not really our business model here."

Seaholm, of PLASTICS, called the report's approach "perplexing."

"Maybe there were some people that didn't feel like the technology was ever going to get there, but now we're seeing it come to fruition," Seaholm said.

What comes next

Seaholm and Eisenberg, also the president of ACC's public-facing advertising sector America's Plastic Makers, are at the forefront of the industry's push to regain control of the narrative, shifting it back toward recycling and away from source reduction targets and bans.

PLASTICS [launched a campaign](https://subscriber.politicopro.com/article/eenews/2023/09/14/plastics-industry-pleads-case-for-recycling-00115942) last year called "Recycling Is Real," which has committed more than a million dollars toward promotional videos and congressional lobbying efforts.

Large petrochemical and fossil fuel companies have poured [at least \\$18 billion](https://plasticscircularity.org/our-progress/) toward improving recycling globally. Most of those investments hinge on scaling up "chemical recycling."

Chemical recycling, often called "advanced" or "molecular" recycling, is an umbrella term for different technologies that use high heat or harsh chemicals to break hard-to-recycle plastics down to their chemical building blocks. The products of chemical recycling can then be used to make fuels or other polymers, like plastics.

If economically, technologically and environmentally feasible, adequate and widespread chemical recycling facilities would be the industry's golden ticket out of potential liability.

But results haven't panned out so far.

Only about a dozen chemical recycling facilities exist in the U.S., none of which is operating at promised capacity, according to [a recent report](https://subscriber.politicopro.com/article/eenews/2023/11/01/report-slams-chemical-recycling-as-dangerous-and-dirty-00124770) from Beyond Plastics. As a [number](https://www.agilyx.com/regenyx-joint-venture-wraps-up-after-five-successful-years/) of [plants](https://www.renewcell.com/en/renewcell-decides-to-file-for-bankruptcy/) have [shut down](https://ir.purecycle.com/news-events/press-releases/detail/88/purecycle-provides-ironton-operations-update) in the past few years, [researchers have found](https://journals.sagepub.com/doi/10.1177/0734242X221084044) the processes to be costly, be energy intensive and yield mixed results. And health advocates worry about toxic emissions from the facilities and from fuel made from plastics.

Jan Dell, a chemical engineer who formerly worked as a corporate sustainability consultant before starting nonprofit the Last Beach Cleanup, said it will never work.

"Everybody wants to be given an easy answer, that they'll figure out a magic way to do it," said Dell, who also contributed to the CCI report. "But it's just fiction upon fiction, because, ultimately, plastic is not recyclable. It's not economically recyclable. It's not technically recyclable."

Dell is not alone. A group of more than 300 scientists from more than 50 countries [urged in a letter](https://ikhapp.org/wp-content/uploads/2024/03/240326_Letter_President_Biden-1-1.pdf) to President Joe Biden that "we cannot recycle our way out of the problem."

"The suggestion that plastics can be perpetually, safely, and sustainably recycled is not supported by independent science," the letter says. Seaholm countered, noting the "incredible amount of innovation that's happening that allows for more recycled content to go into products." "We readily admit that we do not recycle enough and we want to recycle more," he continued. "But is it doable? Is it feasible? Yes."

In anticipation of increased litigation, Seaholm said PLASTICS and its members are conducting "a lot of research ... to make sure that even if it's not in litigation, we've got to have the necessary facts to back what we're saying."

PLASTICS and ACC both sued California Attorney General Bonta (<https://subscriber.politicopro.com/article/eenews/2024/05/29/calif-ag-doubles-down-on-plastics-inquiry-amid-lawsuits-00160416>) last week in hopes of keeping industry documents a secret amid his probe into petrochemical companies.

When asked if he believes there will be an increase in litigation over plastics recycling, Eisenberg of ACC said, "I hope not."

"And I would discourage them from doing so," he continued. "It's not an effective tool to solve and modernize the infrastructure that we need to make products more circular," which is the goal to eventually replace all virgin materials with recycled materials.

Dell, whose nonprofit has brought multiple claims over plastics recyclability to various courts, said she hopes to see more lawsuits.

"I believe there will be more because if society wants to have change, we're going to have to sue," she said.

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California landfill receives composting grant

The government of Yolo County, California, and service provider Northern Recycling LLC receive \$10 million state grant to expand composting operations.



Yolo County Central Landfill and Northern Recycling say the CalRecycle grant will help them add up to 60,000 tons of annual composting capacity.

Photo courtesy of Northern Recycling LLC and Yolo County Central Landfill

BRIAN TAYLOR | MAY 13, 2024



The Yolo County Central Landfill (YCCL) in Woodland, California, and Davis, California-based Northern Recycling LLC have received a \$10 million grant from the California Department of Resources Recycling and Recovery (CalRecycle) to significantly expand their composting operations.

project will increase the facility's capacity by 50,000 to 60,000 tons per year.

“Yolo County continues to demonstrate a strong commitment to our sustainability goals,” says Lucas Frerichs, chair of the Yolo County Board of Supervisors. “Innovation in our operations at our publicly owned landfill is consistently one of the bright spots in reducing Yolo County’s overall greenhouse gas emissions.”

The grant is part of California’s Organics Grant Program under the California Climate Investments initiative, an overall \$130 million program that is projected to divert an additional 600,000 or so tons of organic waste from landfills during the next 10 years.

“We are grateful for the strong support from the board of supervisors, which has led to the county’s Sustainability and Climate Action policies being embedded within our landfill operations, resulting in more recycling options for residents and an increase in the useful life of the landfill by an additional 43 years,” says Gerardo Pinedo, chief administrative officer for Yolo County.

Once complete, the expansion project in Yolo County will expand its capacity to manage organic waste sustainably, supporting the circular economic model promoted by CalRecycle. The increased composting capacity allows for further diversion of green waste by Yolo County, regional businesses and residents.

State-mandated programs require that food waste such as coffee grounds, melon rinds, table scraps and food-soiled paper napkins and towels be placed in compost bins. “This not only diverts substantial amounts of organic waste from landfills but also produces valuable compost, a vital resource for soil health and carbon sequestration in agriculture,” the YCCL says.



County's investment in Sennebogen material handlers eases burden on operators

Solid waste facilities run at a frenetic pace, so efficiency is of the utmost importance. Thus, when Polk County Solid Waste Management in Minnesota saw an opportunity to ease the burden on its operators while simultaneously streamlining production, it jumped at the chance.

Northern Recycling, in partnership with YCCL, intends to expand Yolo County's covered aerated static pile composting facility, using grant funds to implement enhanced composting infrastructure, to include composting aeration systems, working pads and equipment for screening and sorting food and green material.

"This grant reflects our ongoing commitment to creating green jobs and reducing climate pollution through innovative waste management solutions," says Leslie Lindbo, director of the Yolo County Department of Community Services. "The expansion of our composting facility will not only benefit our environment but also contribute to the creation of new, permanent jobs in our community."

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- Keeping odors at bay
- Fighting the heat
- Time to sharpen your axe: Initial planning for an RNG facility

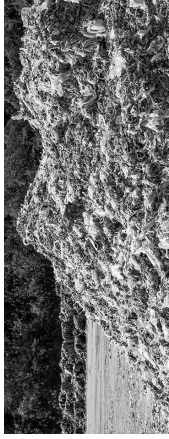
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Billy Dietrich, *Chief Operating Officer*
Superior USA Waste



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