



Department of
Resources Recycling and Recovery

Jared Blumenfeld
Secretary for
Environmental Protection

Scott Smithline
CalRecycle Director

October 10, 2019

Mr. Al Zelinka, City Manager
City of Riverside
3900 Main Street
Riverside, CA 92522

Re: Non-Compliance with Mandatory Commercial Recycling (AB 341, Stats 2011) and Mandatory Commercial Organics Recycling (AB 1826, Stats 2014) Laws

We are writing regarding the status of CalRecycle's review of whether the City of Riverside is complying with meeting its AB 341 and AB 1826 requirements. Both AB 341 and AB 1826 specifically authorize CalRecycle to conduct reviews of mandatory commercial recycling programs (PRC Section 42649.3(h)) and/or mandatory commercial organics recycling programs (PRC Section 42649.82(g)(2)) at any time. These laws require all jurisdictions implement commercial recycling and commercial organics recycling programs that consist of education, outreach, and monitoring activities annually to covered businesses and multifamily dwellings, which are appropriate for that jurisdiction and are designed to divert commercial solid waste from the waste sector. Jurisdictions are required to provide an update to CalRecycle each reporting year on progress achieved in implementing their mandatory commercial recycling and organics recycling programs. As a result of this review the City of Riverside was found to be deficient in implementing its Mandatory Commercial Recycling (MCR) and Mandatory Commercial Organics Recycling (MORe) programs. These concerns have been directly communicated to your staff, Cindie Perry, Deputy Public Works Director, in a letter dated August 24, 2018, and also to Olivia Sanchez, Administrative Analyst, in a letter dated November 27, 2017.

The program gaps consist of the following:

- The City has not sufficiently demonstrated that its MCR and MORe programs are adequate.
 - The number of covered businesses and multifamily complexes out of compliance remains high, with no significant trends towards compliance.

- The City has not adequately conducted the required identification of regulated businesses and multifamily properties.
 - Identification of covered generators was inconsistent from year to year.
 - The City has not adequately identified the compliance of businesses and multifamily complex recycling through existing activities, such as backhauling, self-hauling, or using third party recyclers or landscapers.
- The City has not adequately conducted the required monitoring of regulated entities.
 - Annual follow-up to covered generators has included mainly letters, which has been ineffective at increasing needed compliance levels.
 - The City has not allocated adequate technical assistance resources needed to conduct effective follow-up to businesses and multifamily complexes to increase recycling and organics recycling.

Within 30 days of receipt of this letter, we request the City prepare and submit a plan to ensure regulated commercial generators are participating in recycling and organics recycling programs no later than July 1, 2020. The plan must address the following:

1. A description of the City's plans for providing adequate staffing resources to oversee the mandatory commercial recycling and commercial organics recycling programs with the business and multifamily complex communities, including when the resources will become available.
2. Date the City will adopt commercial food waste collection rates.
3. Commencement date for delivery of food waste collection containers to covered commercial generators and the proposed completion date.
4. How the City will identify all of its regulated businesses meeting the 2019 MORE and MCR threshold.
 - a. This should include identifying all of the regulated businesses, including those with curbside pickup, backhauling materials, using 3rd party recyclers and those donating edible food.
 - b. This should also include identifying the regulated entities that are not recycling or recycling organics.
5. How the City will identify regulated multi-family complexes meeting the 2019 MORE threshold.
 - a. This should include identifying all of the regulated multi-family complexes, and then those that are not recycling greenwaste and woodwaste via landscapers or curbside service.
6. How the City will effectively follow-up with regulated businesses and multifamily complexes that are not recycling or recycling organic materials.
 - a. The City should consider the follow-up methods that will be effective in increasing compliance for MCR and MORE, such as direct contact/technical assistance to provide services where needed, enforcement, etc.

LAMD management requests the plan be provided by November 15, 2019. Please provide these plans to your Local Assistance and Market Development (LAMD)

representative, Jill Lerner, Supervisor. She has been cc'd in this letter and her phone number is (916) 341-6525.

At the public meeting in January 2020, LAMD staff will provide recommendations for management to consider:

- If the City has submitted a plan to adequately address the gaps, LAMD staff will monitor implementation during the subsequent 12 months to ensure the program gaps are fully addressed.
 - However, should the same gaps persist, the City will be notified and will be referred to the Jurisdiction Compliance Unit (JCU) for consideration of a compliance order.
- If the gaps are not adequately addressed or a plan is not submitted by the due date, then the City will be referred to the Jurisdiction Compliance Unit (JCU). JCU will conduct an independent assessment and may determine there are additional programs needing further evaluation. JCU will then determine whether to recommend CalRecycle issue an Order of Compliance, as provided by PRC Section 41825.
 - During the conferring time if the gaps are addressed JCU will inform the jurisdiction a compliance order will not be issued and the City is being referred back to LAMD for regular annual reviews. JCU will also report the jurisdiction has addressed the gaps in a public report at one of the Department's monthly meetings.
 - If JCU finds the gaps have not been addressed, JCU will initiate the process to commence issuing a compliance order. The City will receive information from JCU about the process should the jurisdiction proceed down that path. LAMD staff will continue working with the jurisdiction on other program areas.

If you have any questions regarding this letter, please contact Julie Trueblood, North Section Manager, at (916) 341-6535, or Jill Lerner (916) 341-6525. We appreciate the City's attention to fully addressing the programmatic gaps indicated above. As noted, the information requested to address the information and/or programmatic gaps noted must be submitted by November 15, 2019, in order to be considered in relation to the January 2020, Request for Approval.

Sincerely,



Cara Morgan
Chief, Local Assistance and Market Development

cc: Kris Martinez, Public Works Director
Cindie Perry, Deputy Public Works Director
Olivia Sanchez, Administrative Analyst