

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

DISCUSS DEVELOPMENT OF LOCAL COMMERCIAL RECYCLING PROGRAM TO MEET NEW STATE MANDATORY COMMERCIAL RECYCLING REGULATIONS.

Summary Statement:

AB 939, California's 50% recycling mandate, became law in 1989. In response, the Town of Apple Valley passed Ordinance #34 in August of 1989, articulating the Town's policy for mandatory participation in solid waste collection services throughout the Town. In 2008, Ordinance #345 further clarified that participation in the disposal and recycling service was mandatory for all *residential* properties. As a result, the volume of residential recycling has been at acceptable levels. This doesn't include multifamily residences which are technically "commercial" properties.

Commercial recycling has not kept pace with residential recycling. Past Town Councils chose to seek voluntary commercial recycling as opposed to mandatory. Now, over 20 years after passage of AB 939, the Town has 173 businesses with recycling accounts, compared to 722 commercial trash accounts.

AB 32, California's Global Warming Solutions Act of 2006, mandates the reduction of greenhouse gases throughout the state. The Air Resources Board (ARB) was tasked with implementing AB 32, and the agency produced a list of 72 specific actions with a time frame, some voluntary and some to be achieved through mandate. Item 38, commercial recycling, was assigned to the ARB and the CIWMB to accomplish through mandate.

CIWMB's successor agency, the Department of Resources Recycling and Recovery or CalRecycle, is now preparing regulatory language to be added to the Health and Safety Code which will impose mandatory commercial recycling statewide, effective July 2012. Draft language is expected to be presented to the ARB in the fall of 2011.

While several different versions have been distributed for public comment, a few elements of the regulations seem certain to be part of the regulations. These are listed below for your consideration.

Recommended Action:

(continued)

Information only.

Proposed by: Diana McKeen

Item Number _____

T. M. Approval: _____

Budgeted Item Yes No N/A

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- The requirement goes into effect July 2012
- The mandate is on the businesses to recycle
- Cities are not required to enact an ordinance for commercial recycling
- Cities are required to provide proof to the CalRecycle through the existing annual report system that they are making a good faith effort to promote commercial recycling through sufficient:
 - Outreach to businesses
 - Education of businesses
 - Monitoring business participation in recycling program
- The new regulations affect all businesses generating 4+ cubic yards of waste weekly
- Multifamily residences with 5+ units are included in this program; Apple Valley has 173 such complexes with 1,461 units
- Cities may develop an enforcement program and use any fines or fees collected toward program costs
- Cities may be flexible about what businesses are excluded from the program, but they have to explain/justify the rationale to CalRecycle
- Cities may phase in the program; again, they have to explain/justify this to CalRecycle
- Cities determined by CalRecycle not to have made a good faith effort are subject to the \$10,000 per day fine

Staff will continue to stay informed on the regulations as they develop and will bring the draft language to Council this fall when it is provided for the Air Resources Board's review. At that time, staff will seek direction from Council concerning what type of commercial recycling program the Council desires in order to comply with the new regulations.