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SOLID WASTE ASSOCIATION  
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**CALIFORNIA CHAPTERS**

FOUNDING

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**LEGISLATIVE TASK FORCE**

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**MINUTES OF SWANA CALIFORNIA LEGISLATIVE  
TASK FORCE TELEPHONE MEETING**

**July 3, 2008**

**By: Mark Urquhart, Secretary**

The Legislative Task Force (LTF) telephone meeting started at about 10:30 AM. A quorum was present as there were eight voting members present, including alternates and at least one voting member from each chapter. A list of people that participated is in Attachment A. The agenda is Attachment B. The items from the agenda below were not all discussed in the order listed.

**I. BUSINESS ITEMS AND LTF ACTIVITIES**

***Approval of Minutes from June 5, 2008 LTF Telephone Meeting***

Grace Chan asked if there were any comments on these minutes. There were none. She asked for a motion to approve these minutes.

*Motion:*

Mike Mohajer made a motion to approve the minutes. William Merry seconded the motion. The motion carried, as all were in favor.

***Next Meeting Date***

The next meeting will be a telephone meeting on Aug 7, 2008 at 10:30 AM until noon.

***Selection of Location/Date for Annual LTF Workshop***

Monterey was discussed as the location. William Merry and Grace Chan had worked out proposal for Nov 14, with November 7<sup>th</sup> as an alternate. William Merry will check on reserving rooms.

**II. LEGISLATIVE MATTERS**

***Priority Legislation***

**SB 1020** – Paul Yoder discussed that there could be a way to approach the governor's office about SB1020 and SB1016 being signed this year and not signing other related bills next year. SB 1020 specifies a 60% diversion rate by 2014, including a penalty for non-compliance. It further would place a 75% diversion rate as a goal by 2020, and open discussion of CIWMB to report back to legislature on what measures are needed to accomplish the 75% diversion rate.

Paul Yoder said that Senator Padilla is open to language on methods to assist with accomplishing the 75% goal. In the two phase process, commercial recycling would be mandated upfront until Cities and Counties implement local ordinances for commercial recycling. The bill would not preempt local recycling ordinances. There may be some language on anaerobic digestion in the bill.

There was discussion on problems with local jurisdiction bean counting with the 60% mandate given very recent revisions to 1016. The LTF discussed that SB 1020 could make the state responsible for commercial recycling but Paul Yoder pointed out that many jurisdictions already have local ordinances. A major concern

discussed was that the 75% diversion goal should be tied to a broadening of current code to allow for full diversion credit for all the forms of conversion technologies. It was discussed that this concept could come later given that it may take the legislature environmental lobby time to catch up with the idea of not opposing this concept on the basis that of reducing greenhouse gas emissions and encouraging renewable energy production. There were opinions expressed that the LTF needs to raise these issues now. After long discussion and debate, it was decided that the LTF needs to look at the latest language of the bill and determine the rationale for a position.

Paul Yoder had to leave the call after this discussion due to another commitment.

**1016** – It was discussed that the revisions on July 2, 2008 result in a major concern that language changes result in numeric compliance will be used, rather than previous language using it only as an indicator. The LTF needs to look at the bill changes and consider changing the current support position given the new language. The new language is an extreme change to put emphasis back on numeric counting for compliance rather than an indicator.

## **Solid Waste Legislation Moves through Legislature**

(Taken from the League of California Cities)

The League is engaged in monitoring and negotiating on several important waste-related bills this legislative session. These bills focus on solid waste diversion, disposal and fees. Following some background is a summary of the current package of bills, what each does, the League's position and its status.

### **Background**

All cities in California under current law are required to divert 50 percent of their solid waste from their landfill. This mandate, over the past 19 years, has led to a major effort by local governments to recycle waste, not dump it in a landfill. California has 54 percent diversion rate statewide for reuse, recycling and composting. However, individually, some California cities have as low of a diversion rate as 2-3 percent and others are well above 50 percent.

Diversion rates are calculated by taking a city's "base year generation of solid waste" minus the estimated disposal tonnage going to landfill. This formula is problematic because it's both complicated and has led to a numbers game over the years.

A number of groups, including the California Integrated Waste Management Board (CIWMB) and the League, hold the position that the current system for counting diversion rates is incomplete because it is based on an estimate. Many cities report difficulty meeting the solid waste diversion mandate even when they have implemented a large number of diversion programs. Some cities struggle because of growth, others struggle with the mandate because their programs perform below expectation. SB 1016 (Wiggins) attempts to address this issue by moving the focus from numbers to programs (this is explained further in the bill section).

In addition to looking at numbers and programs in achieving lower levels of solid waste disposal in California, SB 1020 (Padilla) attempts to provide tools to help local jurisdictions achieve higher levels of waste diversion. Tools that have been suggested in the past include commercial recycling mandates, extended producer responsibility mandates, diversion credit for emerging technologies (conversion of solid waste to energy), additional credits for host jurisdictions, and assisting local governments who are attempting to site new transfer stations, compost facilities and recycling facilities.

### **Diversion Bills**

#### **SB 1016 (Wiggins) Diversion: compliance: per capita disposal rate**

This bill changes the existing solid waste diversion management system to a disposal based measurement system from the current emphasis on meeting the 50 percent solid waste diversion requirement to emphasizing local programs that help meet the new goal of reduced per-capita disposal of solid waste.

League position: Support  
Status: Assembly Floor

#### **SB 1020 (Padilla): Diversion (as proposed to be amended)**

This bill, as proposed to be amended, increases the mandated statewide diversion rate from 50 percent to 60 percent by 2012 and requires a target statewide aggregate goal of 75 percent waste diversion by 2020. The bill also includes mandated commercial recycling on any business in California that produces over four cubic yards of waste per week. SB 1020 would require any city or county, or city and county within a county with a population of over 200,000, to adopt an ordinance to enforce the commercial recycling mandate in the bill.

League position: None  
Status: Assembly Appropriations Committee Suspense File

## **Solid Waste Tipping Fee Bills**

There are two bills related to the statewide solid waste tipping fee. This tipping fee is set at \$1.40 per ton of solid waste and is remitted by local jurisdictions to the state's Integrated Waste Management Fund. Most local governments charge an additional local tipping fee that funds local programs.

### **AB 2866 (De Leon) Solid Waste: Solid Waster disposal fees: postclosure trust fund**

This bill increases the state solid waste tipping fee from \$1.40 per ton to \$2 per ton beginning July 1, 2009 and would direct the additional funding to be used for clean fuel demonstration solid waste vehicles and solid waste landfill closure/post-closure fund.

League position: The League board unanimously voted to continue opposing AB 2866. It was concerned that the state would be enacting a fee that would fund programs that are outside the purview of the CIWMB (i.e., clean fuel demonstration projects would be run by the Air Resources Board even though the fee is collected by the CIWMB). The board also took issue with the closure/postclosure provisions of the bill.

The committee was concerned about whether local governments should pay into the closure/postclosure fund established under the bill when local government owner/operators can already meet their mandated financial assurance obligations with a "pledge of revenue."

Status: Senate Appropriations Committee (failed passage on Aug. 4, but is expected to be brought back up on a reconsideration vote)

### **AB 2640 (Huffman) Solid Waste: compostable organics management**

This bill would require CIWMB to adopt policies and develop programs to reduce 50 percent of compostable organic material in solid waste landfills by the year 2020, increase the "tipping fee" to \$2.00 per ton on any green material that goes into a landfill and is used as Alternative Daily Cover (ADC). It also creates new grant and loan programs.

AB 2640 is double joined to AB 2866 (De Leon). If AB 2866 becomes law, an operator of a disposal facility would pay the amount equivalent to the state tipping fee for the amount of green materials used as ADC that exceeds 7 ½ percent of the amount of solid waste disposed at that site.

League position: Support

Status: Senate Appropriations Committee Suspense File