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SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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May 24, 2019

The Honorable Benjamin Allen, Chair
Senate Committee on Environmental Quality
State Capitol, Room 2205
Sacramento, CA 95814

Dear Senator Allen:

OPPOSE UNLESS AMENDED – ASSEMBLY BILL 815 (AGUIAR-CURRY) AS AMENDED ON MAY 22, 2019 – INTEGRATED WASTE MANAGEMENT PLANS: SOURCE REDUCTION AND RECYCLING ELEMENT AND HOUSEHOLD HAZARDOUS WASTE ELEMENT: DUAL STREAM RECYCLING PROGRAMS

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **opposes** Assembly Bill 815 (AB 815), as amended on May 22, 2019, **unless amended** to address the concerns expressed in this letter.

If enacted, AB 815 would require State Department of Resources Recycling and Recovery (CalRecycle) to consider whether a jurisdiction has implemented a dual stream recycling program, when considering if the jurisdiction has made a “good faith effort” to implement its source reduction and recycling element (SRRE) to meet the state’s diversion goals. This bill defines “dual stream recycling program” as a program in which fiber materials to be collected for recycling must be separated from containers or from glass.

The California Integrated Waste Management Act of 1989 (Act), administered by CalRecycle, establishes an integrated waste management program. The Act requires local governments to divert at least 50 percent of solid waste through source reduction, recycling, and composting activities. To ensure proper waste management activities, state law also grants local jurisdictions with defined responsibility and authority including, but not limited to, the following:

- [Public Resources Code (PRC), Subdivision 40004(a)] – *“The Legislature finds and declares all of the following:*
 - (3) *The provisions in existing law that confer broad discretion on local agencies to determine aspects of solid waste handling that are of local concern have significantly contributed to the statewide diversion rate exceeding 50 percent, and further progress toward decreasing solid waste disposal requires that this essential element of local control be preserved.”*

- [PRC, Subdivision 40059 (a)] – *“Notwithstanding any other provision of law, each county, city, district, or other local governmental agency may determine all of the following:*
 - (1) *Aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location, and extent of providing solid waste handling services.”*

Accordingly, based on local conditions and to best serve their residents, many jurisdictions throughout the state have selected and developed single stream recycling programs which focus on ease of collection while boosting diversion rates (emphasis added). The success of these programs is evidenced by the fact that California leads other states in recycling and diverting waste from land disposal. This determination is verified by existing law which requires each jurisdiction to submit an annual report to CalRecycle summarizing its progress in reducing solid and household hazardous waste. CalRecycle is required to review a jurisdiction's compliance with the diversion requirements every two or four years. Existing law also provides for CalRecycle to consider whether a local jurisdiction has made a “good faith effort” to implement its SRRE and its household hazardous waste element to meet the state’s diversion goals.

According to the Author, AB 815’s intent is to incentivize communities and waste haulers to implement dual stream recycling programs by requiring CalRecycle when evaluating whether a jurisdiction has made a “good faith effort” to implement its SRRE, is conducting a dual stream recycling program. By compelling more local jurisdictions to use dual-stream recycling programs without any state-wide substantiation and consideration of factors, such as availability of markets and local conditions (see the above referenced PRC sections), this bill concludes that dual-stream recycling programs will reduce the rate at which recyclable materials are contaminated in the recycling bin, and in turn, reduce the number of contaminated recyclables in landfills and incinerators at home and overseas (emphasis added).

Additionally, the language of the bill is unclear regarding whether a jurisdiction would be penalized, and not be found to have made a “good faith effort,” unless it has implemented a dual-stream recycling program, as defined by the bill. This would:

- Jeopardize the continued operation of a local jurisdiction’s refuse collection and recycling programs and/or their facilities;
- Subject the local jurisdiction to fines and its citizens to significantly higher fees for their recycling program;
- Subject the program operator or facility owner to huge operating cost increases, premature suspension of operations, and even potential closure before construction bonds or loans have been paid off.

Based on foregoing, the Task Force opposes the proposed legislation unless it is amended to incorporate the following:

“A jurisdiction’s failure to adopt a dual stream recycling program does not mean that a jurisdiction has not undertaken all reasonable and feasible efforts to implement its source

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reduction and recycling element and does not render the jurisdiction ineligible for a “good faith effort” determination.”

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated and cost-effective and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

Thank you for your consideration of the concerns and the recommendation expressed in this letter. If you have any questions, please contact Mr. Mike Mohajer, a member of the Task Force, at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Mayor, City of Rosemead

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cc: Assembly Member Aguiar-Curry
Each Member and staff of the Senate Committee on Environmental Quality
California State Association of Counties
League of California Cities – Los Angeles County Division
Each Member of the Los Angeles County Board of Supervisors
Sachi A. Hamai, Los Angeles County Chief Executive Officer
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
Westside Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force