



LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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GAIL FARBER, CHAIR
MARGARET CLARK, VICE CHAIR

November 10, 2010

Ms. Margo Reid Brown, Director
Department of Resources Recycling and Recovery (CalRecycle)
801 K Street, MS 19-01
Sacramento, CA 95814

Dear Ms. Brown:

CALRECYCLE'S PROPOSED CLOSURE, POSTCLOSURE MAINTENANCE, AND FINANCIAL ASSURANCE FEE

On October 11, 2010, California Department of Resources Recycling and Recovery (CalRecycle) conducted a workshop to seek comments from stakeholders on the proposed new landfill Closure, Postclosure Maintenance, and Financial Assurance Fee (Fee). The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) is concerned with whether the proposed Fee is necessary and requests CalRecycle to provide adequate information to justify the need for the Fee.

According to CalRecycle staff, the proposed Fee is necessary due to a revenue decline in the Integrated Waste Management Account (IWMA) as well as increased costs in implementing recently revised long-term postclosure maintenance, corrective action, and financial assurance regulations. The proposed Fee replaces allocated funds under the IWMA and would be used to recover any costs incurred in reviewing closure and postclosure maintenance plans and financial assurance submittals as well as costs for implementing any associated requirements.

The Task Force is extremely concerned with the rationale presented by CalRecycle. The imposition of the Fee to fulfill a purpose that has already been prescribed and for which funding is already provided through existing laws and regulations is not justifiable. The IWMA was specifically established for CalRecycle to implement the requirements of Division 30 of the Public Resources Code (see below), which includes any costs CalRecycle may incur from carrying out its duties relating to closure, postclosure maintenance, corrective action, and financial assurance regulations.

Unless otherwise specified, all money received by the [California Integrated Waste Management Board] shall be deposited in the Integrated Waste Management Account and shall be used by the board, upon appropriation by the

Legislature, for the purposes for which it was collected or, if not expressly specified for a particular purpose, for the purposes of this [Division 30, Waste Management], except Part 6 [Appeals] (commencing with Section 46000), which shall be funded by fees pursuant to Section 46801.

The Task Force would like to know how much of the IWMA Fund is currently allocated to CalRecycle's activities and programs related to landfills including permitting and oversight as well as other activities and programs not related to landfills. It is unclear from CalRecycle staff presentations as to the reasons why landfills, which are the only sources of contribution to IWMA, are now being required to pay an additional fee to cover CalRecycle's budget shortfall and non-related landfill programs. As stated by a majority of stakeholders, "Is the mission of public health and safety more important than maintaining local diversion assistance programs when the State's mandated diversion goal has been met and exceeded? Is the landfill disposal surcharge fee subsidizing staffing of programs that have essentially met their statutory goals?" Additionally, would the proposed Fee directly/indirectly support such activities as the implementation of CalRecycle's Strategic Directives, Mandatory Commercial Recycling Program and/or enforcement of the Jurisdictional Review Tools? The Task Force respectfully requests that CalRecycle provide this information at a public workshop so that stakeholders can be engaged in dialogue with greater disclosure.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939, as amended), 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 10 million. Consistent with these responsibilities, and to ensure a coordinated, 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, the County of Los Angeles Board of Supervisors, the City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

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Thank for your prompt attention to this matter. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,



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

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cc: California Natural Resources Agency (Lester A. Snow)
CalRecycle (Mark Leary, Ted Rauh, Scot Walker)
California State Association of Counties
League of California Cities
League of California Cities, LA County Division
Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor and City Manager in the County of Los Angeles
County of Los Angeles Chief Executive Officer
South Bay Cities Council of Governments
San Gabriel Valley Council of Governments
Gateway Cities Council of Governments
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task Force