



GAIL FARBER
CHAIR

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SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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May 20, 2009

The Honorable Alex Padilla
State Capitol Room 4038
Sacramento, CA 94248-0001

Dear Senator Padilla:

**SENATE BILL 25 (AMENDED APRIL 13, 2009)
STATEWIDE MANDATORY WASTE DIVERSION
RATE INCREASE TO 60 AND 75 PERCENT**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **strongly opposes** Senate Bill 25 (SB 25), which proposes to increase the waste diversion mandate imposed on local governments from 50 percent to 60 and 75 percent by 2015 and 2020, respectively; require local jurisdictions with a population of 200,000 or more to adopt a mandatory commercial recycling ordinance; and increase the State waste disposal surcharge from \$1.40 per ton to \$2.13 per ton, beginning January 1, 2012.

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 its 88 cities in Los Angeles County with a combined population in excess of 10 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, 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.

SB 25, if enacted would increase the mandatory diversion rate from 50 percent to 60 percent by January 1, 2015 and 75 percent by January 1, 2020. Local governments across the State have already invested hundreds of millions of dollars in recycling infrastructure, development and implementation of waste reduction programs, and mathematical accounting and documentation required to meet the current 50 percent waste diversion mandate. The most cost-effective programs have already been implemented, along with a variety of feasible niche programs. As a result, for subsequent diversion increases to be possible, major investment in new programs and more radical changes to the solid waste management system in California, including its waste management hierarchy, will be required.

In addition, if enacted, SB 25 would authorize the California Integrated Waste Management Board (Waste Board) to scrutinize local jurisdiction's efforts to divert organic material from disposal or deposit in solid waste landfills. Some green materials are currently used as alternative daily cover (ADC) with numerous environmental and economic benefits, including: preventing the mining and wasting of clean soil that would have otherwise been used as daily cover; conserving landfill capacity, by avoiding an additional cover material layer and the ability of organic materials to compact and decompose over time; creating markets for the beneficial use of organic materials; and, strengthening the curbside collection infrastructure for greenwaste/organic materials. It is these significant benefits that led the Legislature to classify greenwaste/organic materials for use as ADC, which provides local governments with the much needed diversion credit. Jurisdictions in Southern California and other parts of the State, who have limited or nonexistent composting infrastructure, now rely on this infrastructure to manage greenwaste/organic material and meet the State's 50 percent waste reduction mandate. By scrutinizing ADC, SB 25, if enacted, would make it even more challenging for local governments to meet current as well as new waste diversion mandates.

SB 25, if enacted, would also require each jurisdiction with a population of 200,000 or more to adopt a mandatory commercial recycling ordinance. Local governments would be required to enact and enforce such ordinances. This is another significant unfunded mandate on local governments at a time when every City and County in California is facing record budget shortfalls. Additionally, this provision along with proposed increases in mandatory diversion rates to 60 and 75 percent would further result in an increase in the amount of recyclables collected without addressing the need for markets that make use of the recyclables. The current global economic downturn and collapse of the global recycling market have negatively affected the State's already weakened recycling infrastructure and industries. With less demand for recycled materials, jurisdictions are beginning to struggle to meet the current 50 percent waste diversion mandate.

Lastly, SB 25, if enacted, would increase the State waste disposal tipping fee paid by operator of a disposal facility from \$1.40 per ton to \$2.13 per ton, on and after January 1, 2012, and require the Waste Board to adjust the fee once every 2 years to reflect the cost of living increase during the prior 2 fiscal years. The proposed increase will result in a significant financial impact to the residents of the 88 cities and over 150 unincorporated communities in Los Angeles County. Such a change would increase the funds provided from Los Angeles County residents and business from the current rate of approximately \$15 million per year to over \$22 million per year, further impacting taxpayers and diverting local funds to the State.

In conclusion, while SB 25 proposes to substantially increase the State's mandatory solid waste diversion rates, placing a significant burden on local governments, it fails to address the fundamental tools necessary to achieve these mandates. These tools include, but are not limited to the need to:

- address producer responsibility. We believe that the greatest waste reduction gains can be achieved by requiring manufacturers to take responsibility for their products and implement sustainable recovery programs.
- substantially enhance the State's recycling market development efforts.
- conduct a cost/benefit and feasibility analysis of an increased diversion mandate, in conjunction with all affected stakeholders, and make a determination that the proposed increase in the diversion rate is reasonable and justified.
- revise the current solid waste management hierarchy to include conversion technologies based on their technical and environmental performance.

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The Task Force has a long record of support for efforts to develop additional waste processing, recycling and composting infrastructure and programs. Unfortunately, SB 25 would unnecessarily burden local governments and as previously mentioned, fails to provide any new tools that are necessary for local governments to succeed. Therefore, the Task Force **strongly opposes** SB 25. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,

Margaret Clark

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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Enc.

cc: Governor Arnold Schwarzenegger
Senate President Pro Temp Darrell Steinberg
Assembly Speaker Karen Bass
Senator Dennis Hollingsworth, Minority Leader
Assembly Member Sam Blakeslee, Minority Leader
Senator Christine Kehoe, Chair, Senate Committee on Appropriations
Each Member of the California State Senate Committee on Appropriations
Each Member of the Los Angeles County Legislative Delegation
Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor in the County of Los Angeles
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each City Recycling Coordinator in Los Angeles County