



DONALD L. WOLFE  
CHAIRMAN

LOS ANGELES COUNTY  
SOLID WASTE MANAGEMENT COMMITTEE/  
INTEGRATED WASTE MANAGEMENT TASK FORCE  
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331  
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460  
[www.lacountyiswmtf.org](http://www.lacountyiswmtf.org)

July 12, 2005

The Honorable Don Perata  
Senate President Pro Tem  
State Capitol, Room 205  
Sacramento, CA 95814

The Honorable Alan Lowenthal, Chair  
The Senate Environmental Quality Committee  
State Capitol, Room 3048  
Sacramento, CA 95814

Dear Senators Perata and Lowenthal:

**SENATE BILL 928 (AMENDED MAY 2, 2005)  
UNSPECIFIED STATEWIDE MANDATORY SOLID WASTE DIVERSION RATE**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force **opposes** Senate Bill 928 (SB 928), adjusting the State's 50 percent solid waste diversion rate to an unspecified rate.

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. Consistent with these responsibilities, and to ensure a coordinated and cost-effective solid waste management system in Los Angeles County, the Task Force 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.

AB 939 mandates local jurisdictions to reduce the amount of solid waste disposed at landfills by 50 percent. Failure to mathematically demonstrate achievement of this mandate may subject local jurisdictions to penalties of up to \$10,000 per day. SB 928,

if enacted, would increase the solid waste reduction mandate to an unspecified percentage beginning January 1, 2011. While we share a common goal to reduce waste, we believe SB 928 would place a significant burden on local jurisdictions because the State's Diversion Rate Measurement System used in calculating the waste diversion rate remains riddled with significant errors. These errors were acknowledged in a comprehensive report prepared by the California Integrated Waste Management Board and forwarded to the Legislature in 2002 entitled, "A Comprehensive Analysis of the Integrated Waste Management Act Diversion Rate Measurement System." It is extremely difficult for our members and other stakeholders to grasp how SB 928 was passed by various key legislative committees without a diversion rate specified or any cost/benefit analysis completed as to its impact on local jurisdictions. Theoretically, the final Bill could set a Statewide diversion rate of 100 percent, essentially imposing a landfill ban on all solid waste disposed in California resulting in serious repercussions for the State's economy, the public's health and safety, as well as to the environment since the infrastructure to manage the waste in an alternative way would take decades to develop. Local governments and ratepayers could not afford the significant price tag associated with such a radical change. In essence, the Senate has written a blank check that local jurisdictions will have to cover, without consulting with local jurisdictions.

Since the late 1990s, we, along with numerous jurisdictions in Los Angeles County and throughout the State, have expressed our concern to the Legislature and the Waste Board that the current State Diversion Rate Measurement System is inherently flawed. The system has created an uncertain end result (with significant consequences) where on one hand, many jurisdictions have legitimately implemented all feasible waste diversion efforts but could not demonstrate it mathematically, and on the other hand, some jurisdictions benefit from inaccuracies with high diversion rates not merited by their level of program implementation.

To address this issue, the State legislature enacted Senate Bill 2202 (SB 2202, 2000 Statutes) to investigate and remedy this issue. Pursuant to SB 2202, the California Integrated Waste Management Board prepared and forwarded the Report described above to the State legislature, determining that there is no clear nexus between the current Diversion Rate Measurement System and its ability to accurately determine a jurisdiction's compliance with the State's 50 percent waste reduction mandate. The Report urged the Legislature to make the necessary legislative and regulatory changes to remedy the situation. Raising the mandatory diversion rate while leaving the currently unreliable and untenable Diversion Rate Measurement System intact would only exacerbate the problems long associated with the current system,

which siphons resources away from program implementation and towards tracking, accounting, and reporting.

It must be emphasized that the Task Force *strongly* supports initiatives to reduce the amount of waste disposed in landfills and improve the quality of life for all residents. As such, we would offer the following practical solutions as ways the Legislature could be helpful in attainment of those goals:

- Provide full diversion credit and establish a level playing field for conversion technologies, as currently proposed in AB 1090 (Matthews). Conversion technologies are state-of-the-art technologies capable of converting residual solid waste (waste that remains after all recyclables have been removed) into marketable products, including renewable clean energy. Over 140 of these facilities exist in Europe and Japan.
- Reform the State's mathematically-oriented Diversion Rate Measurement System to a program-based measurement system to fairly assess whether a jurisdiction's level of program implementation is adequate and appropriate.
- Improve and enhance the State's recycling market development efforts. As more markets are created, the diversion of materials will increase proportionately.
- Conduct a cost/benefit analysis of an increased diversion mandate, in conjunction with all affected stakeholders **including the Task Force**, and make a determination that any proposed increase is justified.

The Honorable Don Perata and Alan Lowenthal  
July 12, 2005  
Page 4

Until sufficient financial and technical resources are provided, including implementing all of the solutions identified above, the Task Force is **strongly opposed** to SB 928. Should you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,



Michael Miller, Vice-Chair  
Los Angeles County Solid Waste Management Committee/  
Integrated Waste Management Task Force and  
Councilmember, City of West Covina

VJ/CS:sm  
P:\sect\SB 928

cc: Assembly Speaker Fabian Nunez  
Each Member of the Senate Environmental Quality Committee  
Each Member of the Assembly Natural Resources Committee  
Each Member of the Los Angeles County Legislative Delegation  
California Integrated Waste Management Board  
Each Member of the County of Los Angeles Board of Supervisors  
Each City Mayor in Los Angeles County  
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  
Solid Waste Association of North America  
Each Member of the Los Angeles County Integrated Waste Management Task Force  
Each City Recycling Coordinator in Los Angeles County