



LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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DONALD L. WOLFE
CHAIRMAN

July 11, 2007

The Honorable Patricia Wiggins
State Capitol, Room 4081
Sacramento, CA 95814

Dear Senator Wiggins:

DRAFT REVISIONS TO SENATE BILL 1016 - CIRCULATED FOR STAKEHOLDER COMMENT ON JUNE 7, 2007

On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force), we respectfully submit the following comments regarding the circulated draft revisions to SB 1016, dated June 5, 2007. The Task Force recognizes the importance of revising the current State Diversion Rate Measurement System (DRMS), and we appreciate your instrumental work and years of service with the California Integrated Waste Management Board (Waste Board) and the State Legislature in working to improve the State's solid waste management infrastructure.

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.

The proposed June 5, 2007, draft revisions and/or the April 10, 2007, amendments to SB 1016, if enacted, would authorize the Waste Board to allow a city or county to

submit certain information in the annual report on a biennial, rather than an annual basis, if the Waste Board has determined that the city or county has diverted more than 50 percent of solid waste from landfill disposal (excluding transformation facilities), through source reduction, recycling, and composting activities.

For many years, the Task Force has called attention to the inherent deficiencies in the State's DRMS. Complying with the waste diversion mandate places a significant burden on local jurisdictions, which expend needless resources documenting and validating generation data rather than investing in and implementing waste reduction and recycling programs and activities. The DRMS has created an uncertain end result (with significant consequences) where on one hand, many jurisdictions have legitimately implemented all feasible waste diversion efforts, but cannot be demonstrated mathematically, and on the other hand, some jurisdictions benefit from inaccuracies with high diversion rates not merited by their level of program implementation.

The fundamental premise of SB 1016 is to reduce the burden of mathematical compliance – so called “bean counting” – on local jurisdictions by focusing more on easily measurable data (i.e. disposal rather than generation), program implementation, and streamlining the reporting process. The Task Force wholeheartedly supports this premise; however, we are concerned that language contained in the June 5, 2007, draft revision may have unintended consequences that move farther away from this perspective. By fixing disposal levels, SB 1016 would effectively require jurisdictions to divert more from disposal each year in order to account for growth and other factors. In light of this indefinite goal, we ask that you address the following key issues in subsequent revisions of the Bill's language:

1. A cost/benefit and feasibility analysis of an increased diversion rate should be conducted – in concert with local governments and other stakeholders – in order to determine that any proposed increase in the diversion rate is justified.
2. Streamlining and simplifying reporting requirements is a strong point of this proposal, therefore we urge you to retain the countywide/regional agency basis for disposal evaluations, rather than city-by-city reporting.
3. Develop and implement measures to improve and enhance the State's recycling and composting market development efforts.
4. Provide local governments with the financial and technical resources needed to achieve a higher diversion rate.

5. Require manufacturers to take more responsibility for the life cycle impacts of their products, via take back programs, State minimum standards, and other measures.
6. Rather than implementing all programs listed in a jurisdiction's SRRE, jurisdictions should be urged to implement diversion programs that have proven cost-efficient and effective.
7. The State must take into consideration extenuating factors, such as economic and population growth, in determining if a jurisdiction has met its diversion requirements.
8. As currently written, jurisdictions could only utilize credit for transformation or biomass conversion at the quantity they used in their base year, and only if all jurisdictions within the County and/or Regional Agency are implementing all of their diversion activities. These arbitrary limitations add another level of difficulty to jurisdictions attempting to divert material from landfill disposal, and should both be stricken.
9. Place a shared responsibility on State and regional governmental agencies as well as the California University and College systems, special districts and school districts, to reduce waste disposal.
10. Conduct a study on China's role and their processing/manufacturing impact on California markets for recyclable materials as well as the effect on California's air quality.
11. The solid waste management hierarchy, established by AB 939 over 18 years ago, is long overdue and needs to be reevaluated, especially in light of AB 32, the California Global Warming Solutions Act of 2006.
12. Finally, if jurisdictions are expected to divert more and more materials from landfill disposal, they must be given additional tools to do so, including the ability to develop solid waste management infrastructure such as composting facilities and conversion technologies.

Thank you for the opportunity to submit comments on this proposal. The Task Force looks forward to our future working relationship so that we can collectively address the above mentioned issues that are highly important to local governments.

The Honorable Patricia Wiggins
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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

VJ/CS:cw

cc: California Integrated Waste Management Board
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
Solid Waste Association of North America
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task Force