



DEAN D. EFSTATHIOU  
CHAIRMAN

LOS ANGELES COUNTY  
SOLID WASTE MANAGEMENT COMMITTEE/  
INTEGRATED WASTE MANAGEMENT TASK FORCE  
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July 29, 2008

The Honorable Alex Padilla  
State Capitol Room 4032  
Sacramento, CA 94249-12345

Dear Senator Padilla:

**SENATE BILL 1020 (PROPOSED JULY 8, 2008, AMENDMENTS)  
STATEWIDE MANDATORY WASTE DIVERSION RATE INCREASE TO 75 PERCENT**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **continues to oppose** Senate Bill 1020 (SB 1020), including its proposed amendments dated July 8, 2008 (copy enclosed). SB 1020 and its said amendment, among other things, would propose to increase the waste diversion mandate imposed on local governments from 50 to 60 percent by January 1, 2015, and 75 percent by January 1, 2020.

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 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 County-wide 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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SB 1020 if enacted and incorporating the proposed amendments dated July 8, 2008, would increase the mandatory diversion rate from 50 to 60 percent by January 1, 2015, and up to 75 percent by January 1, 2020. It would require local governments to adopt a mandatory commercial recycling ordinance within their jurisdictions, which would be enforced by them, and add an additional fiscal burden at a time when local governments are struggling with budget shortfalls. These additional burdens are proposed without addressing the inherent deficiencies in the State's Integrated Waste Management Act of 1989, AB 939.

As you may know, jurisdictions have already invested millions of dollars in their local recycling infrastructure, the development and implementation of waste reduction programs, and the mathematical accounting and documentation required to meet the current 50 percent mandate. The most cost-effective programs have already been implemented, along with a variety of feasible niche programs in order to meet the waste diversion mandates outlined in AB 939. SB 1020 does little to provide local governments with the critical resources necessary to attain a significant increase in diversion, while instead imposing mandatory one size fits all solution.

Since its inception, the Task Force has ardently attempted to work with your office to address our concerns with regard to SB 1020. On April 18, 2007, we provided your office with comments regarding the draft version of the Bill. Our comments have remained consistent, and on October 25, 2007, the Task Force sent you a follow-up letter detailing our recommendations to address our concerns to the proposed September 6, 2007, amendments to the Bill (copy enclosed). We are greatly concerned that your office has made no attempts to discuss the issues raised by this Task Force and the member organizations we represent since fall of last year. Instead, you seem to be preparing to reintroduce language nearly identical to the September 6, 2007, proposed amendments at the very end of the 2008 legislative session, providing no opportunity for stakeholders to have meaningful input regarding this substantial legislative proposal.

While the Task Force has a long record of support for efforts to develop additional waste processing, recycling and composting infrastructure and programs, SB 1020 would unnecessarily burden local governments by expanding current State mandates and requiring adoption of mandatory ordinances. For subsequent diversion increases to be possible, major investment in new programs and more significant changes to the solid waste management system in California, including its waste management hierarchy, will be required. Furthermore, we are concerned that the proposed language provides diversion credit for very narrowly defined types of conversion technologies, unfairly prohibiting development of most other viable technologies, including those which are capable of processing various types of waste not currently manageable by traditional recycling processes.

As stated previously, we continue to have grave concerns regarding SB 1020 due to its failure to address and/or provide the necessary tools needed for local governments to achieve additional diversion mandates. This includes, but is not limited to:

- The inherent issues in the current diversion rate measurement system and the many potential pitfalls in transitioning to a disposal based system;
- The need for a life cycle assessment in order to substantiate any proposed increase in the current diversion rate of 50 percent;
- The lack of emphasis on producer responsibility. We believe that the greatest waste reduction gains can be achieved in the future by requiring manufacturers to take responsibility for their products and implement sustainable recovery programs;
- The need to enhance the State's recycling market development efforts;
- The need to 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 justified;
- The need to eliminate existing legislative obstacles toward the development of emerging technologies such as thermal conversion technologies that can handle post-recycled solid waste residuals which would otherwise be destined for landfill disposal.

Once again, the Task Force sincerely extends an invitation to you and your staff to attend a future Task Force meeting so that we may share our local perspectives and engage in meaningful dialogue on this vital issue. Task Force meetings are generally scheduled for 1 p.m. on the third Thursday of each month, and are held at the County of Los Angeles' Department of Public Works Headquarters, 900 South Fremont Avenue, Alhambra, California 91803. Agendas and minutes of previous and future meetings are available online at [www.lacountyiswmtf.org](http://www.lacountyiswmtf.org).

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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

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Enc.

cc: Governor Arnold Schwarzenegger  
Senate President Pro Tem Don Perata  
Assembly Speaker Karen Bass  
Senate Minority Leader Dave Cogdill  
Assembly Minority Leader Michael Villines  
Each Member of the Assembly Appropriation Committee  
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  
Each Member of the County Sanitation Districts of Los Angeles County  
Each Member of the Los Angeles County Integrated Waste Management Task Force  
Each City Recycling Coordinator in Los Angeles County

AMENDMENTS TO SENATE BILL NO. 1020  
AS AMENDED IN ASSEMBLY JUNE 26, 2007

## Amendment 1

Strike out lines 1 to 3, inclusive, of the title, and insert:

An act to amend Section 41780 of, and to add Sections 40103, 40149, 41780.01, 41783.4, 41783.5, and 42649 to, the Public Resources Code, relating to solid waste.

## Amendment 2

On page 2, before line 1, insert:

SECTION 1. (a) The Legislature finds and declares both of the following:

(1) Since the enactment of the California Integrated Waste Management Act of 1989 (Division 30 (commencing with Section 40000) of the Public Resources Code), local governments and private industries have worked jointly to create an extensive material collection and recycling infrastructure and have implemented effective programs to achieve a statewide diversion rate above 50 percent.

(2) Although the state now leads the nation in waste reduction and recycling, the state continues to dispose of more than 40 million tons of waste each year, which is more than the national average on a per capita basis. Additional efforts must be undertaken to divert more solid waste from disposal in order to conserve scarce natural resources.

(b) The Legislature further finds and declares all of the following:

(1) Approximately 64 percent of the state's solid waste disposal is from commercial sources, including commercial, industrial, construction, and demolition activities. In addition, 8 percent of the state's solid waste disposal is from multifamily residential housing that is often collected along with the commercial waste stream.

(2) The state's local governments have made significant progress in reducing the amount of disposal from single-family residential sources that make up 28 percent of the state's disposal, but have faced more challenges in reducing disposal from the commercial and multifamily sources.

(3) The disposal of commercial solid wastes harms natural resources, negatively impacts the state's environment, prevents materials from circulating in the state economy to produce jobs and new products, and contributes to global warming.

(4) The state has long been a national and international leader in environmental stewardship efforts and mandating the diversion of solid waste away from disposal. Bold environmental leadership and a new approach are needed to divert commercial solid waste away from disposal.

(5) By exercising a leadership role, the state will lead the business community toward a future in which the environment and the economy both grow stronger together by recycling materials, which creates new jobs, instead of burying resources, which exit the economy forever.

(6) By requiring commercial recycling, the state will help businesses reduce costly disposal fees and reclaim valuable resources.



SEC. 2. Section 40103 is added to the Public Resources Code, to read:

40103. (a) "Anaerobic digestion" means the production of methane fuel or chemical feedstock from the bacterial breakdown of biodegradable organic and biomass derived material from urban waste, agricultural residues, and forestry sources that involves the natural biodegradation of organic materials in the absence of oxygen to produce methane and carbon dioxide in an engineered and controlled environment.

(b) For the purposes of Part 4 (commencing with Section 43000) and Part 5 (commencing with Section 45000), "anaerobic digestion" shall be considered to be a type of composting.

(c) "Anaerobic digestion" is not a form of transformation, as defined in Section 40201.

SEC. 3. Section 40149 is added to the Public Resources Code, to read:

40149. (a) "Lignocellulosic ethanol processing" means the production of ethanol for chemical feedstock from lignocellulose, a structural material comprised primarily of cellulose, hemicellulose, and lignin, contained in organic and biomass residue streams found in urban waste, agricultural residues, organic materials, and forestry sources that involves in-vessel enzymatic or chemical hydrolysis of cellulose to produce free sugars, that are biologically fermented to produce ethanol in an engineered and controlled environment.

(b) For the purposes of Part 4 (commencing with Section 43000) and Part 5 (commencing with Section 45000), a "lignocellulosic ethanol processing facility" shall be considered a transfer or processing station.

(c) "Lignocellulosic ethanol processing" that meets the requirements in paragraphs (1) and (2) of subdivision (a) of Section 41783.5 is not a form of transformation, as defined pursuant to Section 40201.

SEC. 4. Section 41780 of the Public Resources Code is amended to read:

41780. (a) Each city or county source reduction and recycling element shall include an implementation schedule that shows both of the following:

(1) For the initial element, the city or county shall divert 25 percent of all solid waste from landfill disposal or transformation by January 1, 1995, through source reduction, recycling, and composting activities.

(2) Except as provided in Sections 41783, and 41784, and 41785, for the first and each subsequent revision of the element, the city or county shall divert 50 percent of all solid waste on and after January 1, 2000, through source reduction, recycling, and composting activities.

(3) Except as provided in Sections 41783 and 41784, for each subsequent revision of the source reduction and recycling element, made by a jurisdiction on and after January 1, 2015, the jurisdiction shall divert 60 percent equivalent per capita disposal of all solid waste, through source reduction, recycling, and composting activities.

(b) Nothing in this part prohibits a city or county from implementing source reduction, recycling, and composting activities designed to exceed these requirements.

SEC. 5. Section 41780.01 is added to the Public Resources Code, to read:

41780.01. The following waste reduction targets are hereby established for the state:

(a) On or after January 1, 2015, divert 60 percent, or achieve the per capita disposal reduction equivalent, of solid waste from landfill disposal or transformation through source reduction, recycling, and composting.

(b) On or after January 1, 2020, divert 75 percent, or achieve the per capita disposal reduction equivalent, of solid waste from landfill disposal or transformation through source reduction, recycling, and composting.

SEC. 6. Section 41783.4 is added to the Public Resources Code, to read:

41783.4. For a city, county, or regional agency source reduction and recycling element updated as part of the annual report and submitted to the board after January 1, 2009, the diversion requirement specified in subdivision (a) of Section 41780 may include anaerobic digestion, as defined in Section 40103.

SEC. 7. Section 41783.5 is added to the Public Resources Code, to read:

41783.5. (a) For a city, county, or regional agency source reduction and recycling element updated as part of the annual report and submitted to the board after January 1, 2009, the diversion requirement specified in subdivision (a) of Section 41780 may include lignocellulosic ethanol processing, as defined in Section 40149, unless the board determines that the processing does not meet both of the following requirements:

(1) The lignocellulosic ethanol processing facility will advance the demonstration of commercially viable bioenergy processing technologies to produce renewable transportation fuels or other renewable value-added products consistent with the state's greenhouse gas reduction targets and the Bioenergy Action Plan for California, dated July 2006.

(2) The organic feedstock for a lignocellulosic ethanol processing facility is derived from one or more of the following waste materials:

(A) Material that was previously used as noncomposted mulch.

(B) Material that was previously disposed of or used for beneficial reuse at a solid waste landfill, including use as alternative daily cover, that would otherwise constitute diversion through recycling pursuant to Section 41781.3.

(C) Material that is approved for this use by the board.

(b) For the purposes of the requirements of Sections 41780 and 41780.01, solid waste that is subject to lignocellulosic ethanol processing shall be considered as being subject to disposal, if the board finds that the processing does not meet the requirements of this section.

SEC. 8. Section 42649 is added to the Public Resources Code, to read:

42649. (a) The owner or operator of a business that contracts for solid waste services or generates more than four cubic yards of total solid waste and recyclable materials that are not solid waste per week shall arrange for recycling services, to the extent that these services are offered and reasonably available from a local service provider, consistent with an ordinance adopted pursuant to this section.

(b) By January 1, 2011, each city, county, solid waste authority, or other joint powers authority located within a county with a population of 200,000 or more shall adopt a commercial recycling ordinance that is consistent with this section.

(c) A commercial recycling ordinance adopted pursuant to this section shall include, at a minimum, all of the following:

(1) Enforceable requirements to source separate specified recyclable materials from solid waste.

(2) Enforceable requirements requiring commercial generators to subscribe to a basic level of recycling service that includes, at a minimum, the collection of recyclable materials or specific provisions for authorized self-hauling.

(3) Education, implementation, and enforcement provisions.

(d) For the purposes of this section, "business" means a commercial entity operated by a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized for profit or nonprofit.

(e) This section does not apply to an owner or operator of a business that meets one or more of the following criteria:

(1) The business meets specific exemption criteria or criteria contained in a local commercial recycling ordinance for an alternative type of recycling service due to space constraints for recycling containers.

(2) The business is subject to a locally adopted commercial recycling ordinance that is equivalent to, or more stringent than, the requirements prescribed by this section.

(f) This section does not limit the authority of a local agency to adopt, implement, or enforce a local commercial recycling ordinance that is more stringent or comprehensive than the requirements of this section or limit the authority of a local agency in a county with a population of less than 200,000 to require commercial recycling.

(g) This section does not modify or abrogate in any manner either of the following:

(1) A franchise granted or extended by a city, county, or other local government agency on or before January 1, 2009.

(2) A contract, license, or permit to collect solid waste previously granted or extended by a city, county, or other local government agency on or before January 1, 2009.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

#### Amendment 3

On page 2, strike out lines 1 to 19, inclusive, and strike out pages 3 and 4





LOS ANGELES COUNTY  
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DONALD L. WOLFE  
CHAIRMAN

October 25, 2007

The Honorable Alex Padilla  
State Capitol Room 4032  
Sacramento, CA 94249-12345

Dear Senator Padilla:

**SENATE BILL 1020 (PROPOSED SEPTEMBER 6, 2007 AMENDMENTS)  
STATEWIDE MANDATORY WASTE DIVERSION RATE INCREASE TO 75 PERCENT**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) continues to oppose Senate Bill 1020 (SB 1020), which among other things, proposes to increase the waste diversion mandate imposed on local governments from 50 percent to 75 percent effective January 1, 2020.

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 1020, if enacted as proposed on September 6, 2007 (copy enclosed), would increase the diversion rate from 50 percent to 60 percent by 2012 and to 75 percent by 2020, without addressing the inherent deficiencies in the State's diversion rate measurement system, or providing local governments with the critical resources necessary to attain a significant increase in diversion. Local governments across the State have already invested millions of dollars in the recycling infrastructure, the development and

implementation of waste reduction programs, and the mathematical accounting and documentation required to meet the current 50 percent mandate. The most cost-effective programs have already been implemented, along with a variety of feasible niche programs in order to meet the waste diversion mandates outlined in AB 939.

While the Task Force supports efforts to develop additional waste processing, recycling, and composting opportunities, SB 1020 would unnecessarily burden local governments by imposing mandates to force adoption of commercial recycling ordinances and inspection/monitoring of businesses for compliance when many businesses have already implemented recycling measures on a voluntary basis. For subsequent diversion increases to be possible, major investment in new programs and more significant changes to the solid waste management system in California, including its waste management hierarchy, will be required. Furthermore, we are concerned that the proposed language provides diversion credit for very narrowly defined types of conversion technologies, unfairly prohibiting development of most other viable technologies which are capable of processing various types of waste, including that which is not currently feasible by traditional recycling measures.

Finally, we continue to have significant concerns regarding the proposed legislation as voiced in our letters dated April 18 and May 23, 2007 (enclosed). These concerns include among others:

- The inherent issues in the current diversion rate measurement system and the many potential pitfalls in transitioning to a disposal based system.
- The lack of emphasis on producer responsibility. We believe that the greatest waste reduction gains can be achieved in the future by requiring manufacturers to take responsibility for their products and implement sustainable recovery programs.
- The need to enhance the State's recycling market development efforts.
- The need to 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 justified.

Once again, the Task Force sincerely extends an invitation to you and your staff to attend a future Task Force meeting, so that we may share our local perspectives and engage in meaningful dialogue on this vital issue. We share a mutual goal of increasing diversion from landfills, and protecting the health and safety of all our residents. We hope our invitation is accepted in the spirit of collaboration and support in which it was sent.

The Honorable Alex Padilla  
October 25, 2007  
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Task Force meetings are generally scheduled for 1:00 p.m. on the third Thursday of each month, and are held at the County of Los Angeles' Department of Public Works Headquarters, 900 South Fremont Avenue, Alhambra, California 91803. Agendas and minutes of previous and future meetings are available online at [www.lacountyiswmtf.org](http://www.lacountyiswmtf.org).

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  
P:\Sec\SB1020 Taskforce

Enc.

cc: Governor Arnold Schwarzenegger  
Senate President Pro Tem Don Perata  
Assembly Speaker Fabian Nuñez  
Senator Dick Ackerman, Minority Leader  
Assembly Member Michael Villines, Minority Leader  
Senator Patricia Wiggins  
Each Member of the Assembly Appropriation Committee  
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