



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

DONALD L. WOLFE
CHAIRMAN

January 31, 2008

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

Dear Senator Wiggins:

DRAFT REVISIONS TO SENATE BILL 1016 – CIRCULATED FOR STAKEHOLDER MEETING ON JANUARY 17, 2008

On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force), I would like to express our appreciation on your efforts to address jurisdictional compliance measurement deficiencies in AB 939 (Sher, 1989 statutes). We have reviewed the latest SB 1016 draft revisions which were released for the January 17, 2008, stakeholder meeting, copy enclosed, and attended the meeting on that date. SB 1016, if enacted, would change the diversion rate reporting requirements to a jurisdictional equivalent disposal measurement requirement. We respectfully submit the following comments and suggestions for your consideration.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939), 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 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 revisions to SB 1016, if enacted, would change the State's diversion rate reporting requirements to a jurisdictional equivalent disposal measurement requirement. It would measure disposal using the California Integrated Waste Management Board's (Waste Board) disposal measurement system. The proposed compliance measurement system would place more emphasis on the implementation of waste reduction, recycling, and other waste diversion programs, and less emphasis on the current mathematical accounting system. While the Task Force is conceptually in support of the latest proposal, we strongly believe that the following issues need to be addressed prior to finalizing the draft proposal.

1. Chapter 1, Article 1. Findings And Declarations – Section 40001 of the Public Resources Code (PRC)

Expand Article 1 to include an additional Subdivision to read:

(i) "The Legislature further declares that it is not the intent of this legislation to control or otherwise alter population and economic growth, or the quality or extent of development, at the jurisdictional level."

2. Chapter 2. Definitions – This Chapter needs to be expanded to define the following terms:

- Diversion Facility
- Amendment
- Revision
- Update

3. Chapter 6, Article 1. Waste Diversion - Section 41780 of the PRC

SB 1016 must define clearly how a jurisdiction's "per capita disposal rate" will be determined for calendar year 2006. As proposed, it is not clear as to whether a jurisdiction's per capita disposal rate will be determined by half of its 2006 *generation* rate, or if its 2006 *disposal* rate will be determined by the Waste Board's disposal reporting system. Furthermore, it must be clarified how the per capita disposal rate will be measured for jurisdictions that have a 2006 diversion rate in excess of the 50 percent requirement or less than the 50 percent requirement. At the January 17, 2008 stakeholder meeting, the Waste Board staff provided some examples as to how the measurement will be made, but the SB 1016 proposed revisions need to address the listed clarifications.

4. Chapter 6, Article 1. Waste Diversion – Section 41783 of the PRC, Diversion credit for use of transformation facilities

We recommend the phrase “after January 1, 1995”, be deleted since it is no longer relevant.

5. Chapter 6, Article 1. Waste Diversion – Section 41783.1 of the PRC, Diversion credit for use of biomass facilities

Staff has indicated that biomass diversion credit is outside of the disposal reporting requirements. That being the case, it must be clarified as to how per capita disposal rates for those jurisdictions that use biomass facilities will be measured.

6. Chapter 7, Approval of Local Planning, Article 3. Other Provisions– Section 41821 of the PRC, Subdivision (f)

Subdivision (f) as currently exists in State law, should be revised to read as follows:

“The Board, *in concert with jurisdictions*, shall adopt procedures for conferring with a jurisdiction regarding the implementation of a diversion program or changes to a jurisdiction calculation of its annual *per capita* disposal *rate*.”

7. Chapter 7, Article 4. Review And Enforcement – Section 41825 of the PRC, Proposed Subdivision (e)

As written, the proposal requires local jurisdictions to implement any additional waste diversion programs mandated by the Waste Board at its sole discretion. The Task Force is opposed to this provision and recommends its deletion unless it is revised to indicate that a jurisdiction would be required to implement additional waste diversion programs if such programs have been developed in concert with that jurisdiction.

8. Chapter 7, Article 4. Review And Enforcement - Section 41825 of the PRC

There are two proposed Subdivision's labeled (h).

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We appreciate your consideration and look forward to working with you and your staff to ensure that we collectively address the above issues that are highly important to local governments. 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 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
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