



LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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GAIL FARBER
CHAIR

March 17, 2009

The Honorable Wesley Chesbro
State Capitol Room 2176
Sacramento, CA 94249

Dear Assembly Member Chesbro:

**ASSEMBLY BILL 479 (INTRODUCED FEBRUARY 24, 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) **opposes** Assembly Bill 479 (AB 479), which proposes to increase the waste diversion mandate imposed on local governments from 50 percent to 60 and 75 percent; require local jurisdictions to adopt a mandatory commercial recycling ordinance; and increase the State waste disposal surcharge from \$1.40 per ton to \$3.90 per ton beginning January 1, 2010.

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.

AB 479, 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. The bill would also require local governments to adopt a mandatory commercial recycling ordinance within their jurisdictions. Lastly, the bill would increase the State waste disposal tipping fee from its current rate of \$1.40 to \$3.90 per ton. The additional revenue may be provided to local governments, subject to certain restrictions, all at the sole discretion of the

California Integrated Waste Management Board (Waste Board) and subject to achieving the Bill's proposed mandatory diversion mandates.

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. Although the Task Force supports efforts to increase diversion of waste materials from landfill disposal, we have been grappling with numerous proposals to increase the waste diversion mandate on local governments without providing them with the means to achieve those goals. Especially during the current economic challenges facing public agencies at all levels, we must insist that such efforts take a collaborative, solutions-oriented approach, such as modernizing the anachronistic waste management hierarchy and streamlining the current patchwork of regulations.

Compounding the above concern, AB 479, if enacted, would make it even more challenging for local governments to meet the new waste diversion mandate by limiting diversion activities to only include source reduction, recycling, and composting, thereby eliminating the existing 10% diversion credit provided for use of existing waste-to-energy facilities. Many jurisdictions rely on this credit in order to meet the current 50 percent diversion mandate, therefore eliminating this credit may subject a number of jurisdictions to a fine of up to \$10,000 per day, while creating a disincentive to deliver waste to such facilities which is likely to result in more waste being sent to landfills and a reduction in the amount of energy these facilities currently provide.

AB 479, if enacted, would also require local jurisdictions to adopt a mandatory commercial recycling ordinance. Local governments would be required to enact and enforce such ordinances. This provision along with proposed increase 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** for these recyclables. The current global economic downturn and collapse of the global recycling market has negatively affected the State's already weakened recycling infrastructure and industries. With less demand for recycled material, jurisdictions are beginning to struggle to meet the current 50 percent waste diversion mandate. Currently most recyclables are being stockpiled, and may soon be disposed of in landfills due to lack of markets in Pacific Rim countries. Additionally, environmental rules and regulations in these countries are either non-existence and/or substantially below those existing in California. As a result, increasing the supply of recyclable materials in the current economic climate may further reduce the value of the existing stockpile of recyclable materials and accelerate their ultimate disposal.

AB 479 would also increase the tipping fee from \$1.40 to \$3.90 per ton, resulting in a significant financial impact on 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 dollars per year to over 43 million dollars per year, with no guarantee that jurisdictions will be able to comply with the requirements specified in the Bill in order to qualify and possibly receive a share of those funds. The Task Force is also greatly concerned that AB 479, if enacted, may expand the Waste Board's authority over local land use decisions. For example, the bill may usurp local land use authority by allowing the Waste Board to force a local government to expedite the permitting of certain solid waste management facilities over their concerns.

In conclusion, while AB 479 proposes to substantially increase the State's mandatory solid waste diversion rates, it fails to address the fundamental tools necessary to achieve these mandates. These tools include, but not limited to:

- The need to conduct a cost/benefit and feasibility analysis of an increased diversion mandate, in conjunction with local governments and other affected stakeholders, and make a determination that the proposed increase in the diversion rate is reasonable and justified.
- The need to revise the current solid waste management hierarchy to include conversion technologies based on their technical and environmental performance.
- 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.
- The need to substantially enhance the State's recycling market development efforts.

The Honorable Wesley Chesbro
March 17, 2009
Page 4

The Task Force has a long record of support for efforts to develop additional waste processing, recycling and composting infrastructure and programs. Unfortunately, AB 479 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 opposes AB 479. 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
Council Member, City of Rosemead

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cc: Governor Arnold Schwarzenegger
Senate President Pro Temp Darrell Steinberg
Assembly Speaker Karen Bass
Senator Dennis Hollingsworth, Minority Leader
Assembly Member Michael Villines, Minority Leader
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