

**Attachments to the February 28, 2008, Minutes
for the Los Angeles County
Integrated Waste Management Task Force**

Attachment 1:
Responses to Comments on the ICF
Financial Assurance Study

Responses to Comments on the ICF Financial Assurances Study

Following is a summary of comments and responses to comments on the: *Study to Identify Potential Long-Term Threats and Financial Assurance Mechanisms for Long-Term Postclosure Maintenance and Corrective Action at Solid Waste Landfills (Study)*.

Process

Comment:

Some commenters stated that the process did not allow for adequate review and discussion during the development of the *Study*.

Response:

The short timelines for review of the various work products was dictated by the Legislative timeline for completion and acceptance of the *Study*. All participants in the Advisory Group were informed of this limitation prior to initiation of the project. Please note that prior to implementation of any recommendation contained in the *Study*, additional time for further discussion and stakeholder input would be scheduled. To facilitate the eventual review of the completed *Study*, a number of "White Papers" were developed by the consultant as the basis for the *Study*. The Advisory Group reviewed the White Papers and their comments were forwarded to the consultant. In addition all draft deliverables and comments submitted were posted on the CIWMB web pages dedicated to the *Study*. Also, a workshop was conducted by CIWMB staff and the contractor for the Advisory Group prior to finalization of the *Study*.

Submitted Comments/Documents

Comment:

A couple of commenters stated that they could not see how their comments were reflected in the *Study*.

Response:

All comments and/or documents were forwarded to the contractor for their review and use. Since the *Study* represents the contractor's judgment and work, CIWMB staff is unable to determine the extent to which any particular comment and/or document was used by the contractor in developing the *Study*. Please note that all submitted information will be considered by CIWMB staff in developing any regulations or proposed legislation.

Comment:

Some commenters submitted documents (e.g., ITRC, EREF, Day of Reckoning) concerning the extent of the postclosure maintenance period.

Response:

The purpose of the *Study* was not to determine the length of the postclosure maintenance period. CIWMB staff will review the submitted documents and their applicability for determining the end of the postclosure maintenance period. Please note that California standards are different than Federal standards. Under California requirements, the burden of proof is on the operator to demonstrate that the waste no longer proposes a threat to the public health and safety and the environment. Furthermore, under California standards the threat is based on the inherent nature of the waste. Furthermore, CIWMB staff does not consider local controls to be adequate to maintain the integrity of closed disposal sites.

Need for Study/Problem Definition

Comment:

A couple of commenters stated that the *Study* did not identify and/or define problems with the existing financial assurance system that would necessitate the recommendations included in the *Study*.

Response:

The purpose of the *Study* was not to define the problems but to present various options that CIWMB could consider. The deficiencies in the current financial assurances system have been thoroughly discussed over the last four to five years in several workshops and other venues. The problem statement was incorporated into the Staff Report prepared as the staff analysis of the *Study*.

Corrective Action Definition

Comment:

A couple of commenters stated that the definition of corrective action used in the *Study* was inconsistent with the definition of corrective action in RCRA Subtitle D (RCRA).

Response:

The definition of corrective action (CA) used in the *Study* was a working definition and was not intended to be consistent with the definition of CA contained in RCRA. CA as defined in RCRA only relates to releases to ground or surface water (i.e., impact to water quality). However, CIWMB staff considers Landfill CA to encompass more than just impacts to water quality, hence the more comprehensive definition in the *Study*. When comparing CA to postclosure maintenance, CIWMB staff considers the purpose of postclosure maintenance is to *maintain* the integrity of the closed landfill, while the purpose of corrective action is to *restore* the integrity of the active or closed landfill by implementing measures to remediate environmental damage and protect public health and safety. Please note that while postclosure maintenance is only necessary at closed landfills or for closed areas of active landfills, corrective action may be necessary at both active and closed landfills. The definition of CA will be further refined during the April Corrective Action Workshop.

Financial Assurance Mechanism Evaluations

Comment:

There were several comments concerning the relative merits of the various mechanisms.

Response:

The FA mechanism evaluations included in the *Study* represent the contractor's (author's) opinion of the strengths and weaknesses of each of the mechanisms. CIWMB staff does not necessarily agree with each of the contractor's rankings of the mechanisms. In making any recommendations for future regulations and/or legislation, staff will consider the evaluations included in the *Study* but will rely on its best professional judgment after considering all relevant information.

Comment:

There were several comments that disagreed with the contractor's poor rating for the Pledge of Revenue.

Response:

CIWMB staff strongly disagrees with the contractor's conclusions regarding the viability of the Pledge of Revenue. CIWMB staff considers the Pledge of Revenue to be an effective and secure mechanism for providing financial assurances for postclosure maintenance. CIWMB staff will be considering means of standardizing the Pledge of Revenue to address one of the findings noted in the *Study*. This topic will be addressed at the May Phase II Regulation Workshop. Furthermore, this topic may also be discussed at the March Postclosure Maintenance and the April Corrective Action Workshops.

Comment:

There was a comment concerning the viability of non-third party mechanisms for closure and postclosure maintenance.

Response:

Pursuant to legislation (Public Resources Code section 43601[b]), CIWMB must accept all mechanisms that are allowed under Federal regulations. However, use of these mechanisms can be reasonably conditioned. For example, the financial means test is only allowed for postclosure maintenance and not for closure. This topic will be examined further at the May Phase II Regulation Workshop. Moreover, this topic may also be discussed at the March Postclosure Maintenance and the April Corrective Action Workshops.

Pooled Fund Model

Comment:

Some commenters expressed concern about both the pooled fund scenario contained in the *Study* and the assumptions used for the pooled-fund model.

Response:

For the *Study* the contractor was to develop a pooled-fund model that could be used by CIWMB under various scenarios. The scenario used to validate the model in the *Study* was only one of several potential scenarios. Furthermore, many of the various assumptions/factors used in the model can be modified including, but not limited to, default probabilities, number and cost of corrective actions, and general landfill data. CIWMB staff intends to evaluate several various scenarios under various assumptions and conduct workshops prior to making any final recommendation to the Board regarding the necessity and use of a pooled fund. Various scenarios will be presented at the February Pooled-Fund Workshop. Scenarios to be considered would include: public versus private and all post-30 PCM and/or CA costs versus defaults only. Input values will also be adjusted for various sample scenarios for demonstration purposes and discussions.

Comment:

Some commenters expressed specific concerns about the frequency and level of corrective actions used for the sample scenario presented in the *Study*.

Response:

CIWMB staff is currently reviewing Board, LEA, and Regional Water Board records regarding corrective actions at landfills to help determine the appropriateness of the modeling inputs. The results of this work will be discussed at the April Corrective Action Workshop.

Comment:

One commenter objected to the assumption that the costs for postclosure maintenance remained constant. They suggested that the costs would decrease over the postclosure maintenance period and would be minimal after the initial 30-year period.

Response:

The pooled-fund model took a conservative approach in presenting the potential liability/costs that may be incurred as the result of a default. Contrary to the comment, CIWMB staff has not observed the annual cost of postclosure maintenance to be decreasing for sites that have already commenced postclosure maintenance. Staff has not received revised postclosure maintenance plans reflecting decreased costs associated with maintaining the landfills. In addition the model did not take into account the increase in costs due to inflation or other cost factors. This issue will be discussed at the March Postclosure Maintenance Workshop. Also, the input parameter for postclosure maintenance costs can be adjusted in the model. This scenario may be addressed at the February Pooled-Fund Workshop. Typically, payment request have been for one annual increment (1/30) of the postclosure maintenance amount and not for the actual costs incurred.

Comment:

Some commenters asked whether the pooled fund would be in addition to or in lieu of other financial assurances.

Response:

As part of the May Phase II Workshop, the potential use of the pooled fund in relationship to other financial assurance demonstrations currently allowed for or provided by operators under current California regulations will be discussed. Depending upon the mix of financial assurance options, the pooled fund may be independent or used in conjunction with other current or new assurances. CIWMB staff will discuss this issue at the May Phase II Workshop and present options at the June Permitting and Compliance Committee meeting.

Insurance Product

Comment:

There were comments both for and against an insurance product and the parameters for that product.

Response:

Based on the information in the *Study*, CIWMB staff does not recommend pursuing an insurance product at this time. The insurance industry is not interested in selling a product for this purpose, and the Board directed staff in December 2007 not to pursue an insurance product further at this time..

Risk Screening Methodology

Comment:

Some commenters stated that the Risk Screening Methodology was inadequate to determine individual landfill risk.

Response:

The Risk Screening Methodology (RSM) was intended to be a “high-level” screening tool to compare potential threats of landfills. The RSM was never intended to be a site-specific detailed risk assessment. The purpose was to develop a method to compare landfills to each other, i.e., a relative ranking, rather than an absolute ranking for each site. Any particular score for a landfill does not represent any particular level of threat but only its relative threat when compared to other landfills. Therefore, a high score does not mean that a particular landfill is an imminent threat. It is only that when compared to a landfill with a lower score, the higher-score landfill would appear to have a greater “potential” threat for an impact than the lower scoring landfill. Other potential risk screening methodologies will be examined as part of the April Corrective Action Workshop.

Comment:

Several commenters suggested additional and/or alternative factors for the RSM.

Response:

Although many factors were considered for the RSM, the number of factors was limited so that the RSM would not be overly cumbersome or complicated. The factors chosen for the RSM were those for which the necessary data would be readily available and quantifiable. These factors were also those that when combined would give a reasonable representation of the relative threats of landfills and take into consideration siting, design, and receptor factors. The siting and design factors represent the relative threat of damage or impact that may occur while the receptor factors represent what population may be impacted. The combination of these factors represents the relative threat of a landfill. Alternative factors and values will be discussed at the April Corrective Action Workshop.

Comment:

Some commenters suggested alternative scoring breakpoints.

Response:

Since the purpose of the RSM was to provide a relative -- not absolute -- threat, the current state minimum standards (i.e., RCRA Subtitle D and 27 CCR) were used as the middle value for each factor as applicable. In this way, those sites which were designed to higher standards would receive “credit” while those designed to lesser standards (e.g., older, unlined sites) would have lower scores.

Comment:

Some commenters asked what the proposed use of the RSM would be.

Response:

Although various uses of the RSM have been contemplated, at this time there is no specific use of the RSM that has been determined. The RSM can be a useful tool to make a high-level evaluation of a landfills relative potential to impact public health and safety and the environment. Other possible uses include: (1) estimating corrective actions in the pooled fund; (2) setting fee structure and amount for the pooled fund to encourage progress of environmental controls; and (3) potential for disbursement priority if a pooled fund is developed with limited resources (incapable of handling all expected needs). Depending upon the intended use of the RSM, CIWMB would consider alternative factors and/or scoring criteria for the RSM.

DRAFT

**Attachment 2:
Responses to Comments on
the Staff Report**

Responses to Comments on the Staff Report

Following are the generalized comments and responses to comments on the: *Staff Analysis and Request for Direction on Long-Term Postclosure Maintenance and Corrective Action Financial Assurances for Landfills*

Staff Report Comments:

Comment:

Corrective Action costs identified in the report should identify whether the costs shown are for only those costs relating to the water quality corrective actions and not non-water quality issues.

Response:

The corrective action costs identified in the report are identified as the costs developed by the individual landfill operators and submitted to and approved by the various Regional Water Quality Control Boards in conformance with the current requirements of Title 27 of the California Code of Regulations for reasonably foreseeable corrective action cost estimates.

Comment:

Show factors for publicly owned/operated landfills vs. those by private sectors.

Response:

Staff consistently proceeded with the review and analysis of the ongoing maintenance of closed landfills in a deliberate process to not draw attention to potential differences in public and private operations of landfills. However, in the upcoming use of the funding model, many alternative “funds” will be modeled, including scenarios with limited participation by various sectors of the industry. The modeling scenarios will be the topic of a workshop to be held in February 2008.

Comment:

Privately owned landfill operators should be required to match the liability exposure assurance to the facility’s Solid Waste Facility Permit (SWFP) entitlement.

Response:

Conformance with both California law and federal requirements will be maintained for all operators in regards to all aspects of planning, permitting and providing of financial assurance demonstrations for the facility during consideration of any alternative permitting and plan approval process considered by the Board.

Comment:

The Staff Report should be expanded to provide a comparison of the existing method for determining Financial Assurance Estimates vs. the proposed “Fund as You Build Option” to ensure compliance with AB 2296 requirements and intent.

Response:

The Staff Report was not intended to provide the answers to all the potential scenarios to be examined by the Board regarding the long-term issues of closed landfills. In contrast, the Staff Report laid out a number of possible solutions and a time-line and process by which these potential solutions can be examined. During the upcoming months, all the proposed scenarios will be further examined and solutions meeting all statutory requirements, including provisions enacted by AB 2296, will be considered.

Comment:

The analysis and regulations should provide the operator with the option to choose whether to permit and develop the site in phases or to seek a permit for the total capacity of the site.

Response:

Under the current regulatory structure, the operator does have the option to permit only a portion of the ultimate projected landfill. However, all proposed scenarios will be further examined and solutions meeting all statutory requirements, including provisions enacted by AB 2296, will be considered during the rulemaking. A draft rulemaking workshop for Phase II proposed amendments is scheduled for May 2008 to discuss the proposed amendments.

Comment:

Closure cost estimates and financial assurances should be based on the maximum exposure of the liability and should match the permit entitlements.

Response:

Conformance with both California law and federal requirements will be maintained for all operators in regards to all aspects of planning, permitting and providing of financial assurance demonstrations for the facility during consideration of any alternative permitting and plan approval process considered by the Board.

Comment:

The operator should be allowed to gradually fund the estimated closure cost, provided the amount is sufficient to close the site at any point in time, should the owner/operator default on its obligations or be in bankruptcy.

Response:

Conformance with both California law and federal requirements will be maintained for all operators in regards to all aspects of planning, permitting and providing of financial assurance demonstrations for the facility during consideration of any alternative permitting and plan approval process considered by the Board.

Comment:

The analysis should clarify whether identifying the phased increased exposure of the facility is cumulative and includes the liability cost of closed areas or completed phases (un-closed) of development plus cost of proposed phases within the 5-year permit period.

Response:

The Staff Report identified direction to consider regarding the phased pay-in periods that identified costs which were cumulative in nature to fully close the site. The postclosure maintenance of the site is currently calculated on the total permitted site which represents the greatest extent of the costs of postclosure maintenance as required under existing regulations. Consideration in upcoming workshops during March and May 2008 will focus on the postclosure maintenance aspects and the proposal of rulemaking language, respectively. Conformance with both California law and federal requirements will be maintained for all operators in regards to all aspects of planning, permitting and providing of financial assurance demonstrations for the facility during consideration of any alternative permitting and plan approval process considered by the Board.

Comment:

The staff report analysis should include a discussion, including a demonstration, of how the proposed “fund as you build option” compares with the existing method for determining closure cost estimates and financial assurances under current regulations.

Response:

The Staff Report was not intended to provide the answers to all the potential scenarios to be examined by the Board regarding the long-term issues of closed landfills. In contrast, the Staff Report laid out a number of possible solutions and a time-line and process by which these potential solutions can be examined. During the upcoming months, all the proposed scenarios will be further examined and solutions meeting all statutory requirements, including provisions enacted by AB 2296, will be considered. Specifically, in March 2008 the postclosure maintenance costs will be examined and in May 2008 the proposed rulemaking will be discussed.

Comment:

The staff report should be revised to include a section discussing both the solid waste industry and the local government perspectives on the closure cost estimates and financial assurances as currently proposed.

Response:

The Staff Report was not intended to provide the answers to all the potential scenarios to be examined by the Board regarding the long-term issues of closed landfills. In contrast, the Staff Report laid out a number of possible solutions and a time-line and process by which these potential solutions can be examined.

During the upcoming months, all the proposed scenarios will be further examined and solutions meeting all statutory requirements, including provisions enacted by AB 2296, will be considered.

Comment:

The staff report is a reasonable and fair summary of the problem and an appropriate action plan to accomplish the tasks assigned in AB 2296.

Response:

The Staff Report was not intended to provide the answers to all the potential scenarios to be examined by the Board regarding the long-term issues of closed landfills. As commented, the Staff Report laid out a number of possible solutions and a time-line and process by which these potential solutions can be examined. During the upcoming months, all the proposed scenarios will be further examined and solutions meeting all statutory requirements, including provisions enacted by AB 2296, will be considered.

Comment:

Where are the landfills that will be closed by 2009 which are identified in the staff report?

Response:

The specific landfills which have closed and the proposed closure dates are all available within the Board's Solid Waste Information System (SWIS). The identification of the landfills in this response document is not productive to the understanding of the situation under consideration. All aspects of the postclosure maintenance of the closed landfills will next be discussed during a scheduled workshop in March 2008.

Comment:

What threats do the closed landfills pose?

Response:

The threats of all closed landfills are site specific elements, including but not limited to the types of waste disposed, the location of the facility, the manner of disposal, the containment design and construction, etc. The Staff Report made recommendations to proceed in an orderly fashion in the further discussion of identification and weighting of potential threats and possibilities for providing assurances to the State of the operator's ability to respond to these threats.

Comment:

Are the closed landfills public, private, covered by corrective action financial assurance demonstrations, and are they rural small sites or large urban sites?

Response:

The currently closed landfills fall within each of the categories described in the comment. The Board is committed to an ongoing process to evaluate the many alternatives available to pursue additional assurance that all closed facilities will be maintained in a manner that will not impact human health and safety and the environment. All aspects of postclosure maintenance and reasonably foreseeable corrective action will be the topics of workshops during February through May 2008.

Comment:

The problem statement makes statements that need further description of the facilities being identified.

Response:

The problem statement in the Staff Report is a brief summary of the problem identified by Board direction to staff in 2006, after more than two years previous discussions, workshops and working group sessions with all stakeholders interested in the topics. Specific to the facilities identified – the facilities considered throughout the study include all the facilities subject to the Board's financial assurances rules. These facilities are all landfills that were operated on or after January 1, 1988.

Comment:

How are the "more than \$600 million in unassured costs by the end of the century" characterized?

Response:

The details of the unassured costs and how they were derived are available in the background papers and discussions as presented to the Board and at the working group sessions and workshops since 2003. In

brief, the total cost, is that cost as currently estimated, which is needed to maintain the closed facilities and the currently operating facilities scheduled to close during this century which is beyond the financial assurance demonstrations currently provided for the 282 landfills currently subject to the Board's financial assurance rules. To clarify the statement within the Staff Report, the actual statement is "By the middle of this century the net present value of unassured PCM costs for all sites in PCM as currently estimated could be more than \$600 million, growing to an accumulated unassured value of \$3.2 billion by the end of this century."

Comment:

Are these unassured costs the result of bad estimates, RWQCB failure to apply current law, 30-year demonstrations, etc.?

Response:

As identified above, these costs are the result of current postclosure maintenance estimates and the current financial assurance demonstrations for these estimates.

Comment:

Do figures 1, 2, & 3 include updates for inflation? This should be explained in the text.

Response:

Figure 1 is simply a count of facilities which have closed and entered the postclosure maintenance phase.

Figure 2, as stated in the Staff Report, is "...the net present value of unassured PCM costs for all sites in PCM as currently estimated." Also, as identified in the Staff Report, "These values are derived from the PCM cost estimates as they are currently represented by the owners/operators today. The estimates neither identify any decreases in ongoing PCM expenses over time or any increases in the same expenses. There is currently no methodology to predict when or to what degree sustained reductions in the estimated PCM expenses at closed landfills will occur."

Figure 3 is a current listing of the types of financial mechanisms provided, the count of each utilized, and the total value. As described in the Staff Report, "the Board currently identifies and allows twelve distinct FA mechanisms for owners/operators to provide assurances to the State of their ability to maintain and care for their facilities."

Comment:

The staff report should more specifically identify water quality related corrective action references and non-water quality related corrective action references.

Response:

The corrective action costs identified in the report are identified as the costs developed by the individual landfill operators and submitted to and approved by the various Regional Water Quality Control Boards in conformance with the current requirements of Title 27 of the California Code of Regulations for reasonably foreseeable corrective action cost estimates. There are no current requirements to develop and submit non-water quality related corrective action cost estimates. All discussions of future consideration of reasonably foreseeable corrective action estimates are identified as non-water quality related if they are not water quality related. Otherwise, reference to "corrective action" relating to either both water and non-water quality related or only water quality related is determined by the usage in the specific instances. The Board will be holding a number of workshops during February through May 2008 to further discuss the various issues raised in the Staff Report. Every effort will be taken to ensure clarity of thought throughout these discussions.

Comment:

Figure 3 seems to assume that postclosure maintenance estimates do not include non-water related corrective actions. The report should note that some of these costs are included and distinguish these costs and quantify these costs.

Response:

Figure 3 reports financial assurance demonstrations by the type of financial mechanism provided and the coverage identified by the mechanism description. The discussions throughout the study process identified that some postclosure maintenance cost estimates include some aspects of corrective action activities,

whether water quality related or non-water quality related, for some facilities. However, as these costs are included within the developed postclosure maintenance estimates and not identified as corrective action activities, without a thorough re-submittal of the postclosure maintenance plans and re-review and subsequent approval, these costs are not readily identifiable. One proposed result of the contractor study is the re-evaluation of each postclosure maintenance plan and estimate as the regulatory cycle of updates to plans progresses over the coming years. These re-submittals and evaluations should clarify costs associated with maintenance of closed facilities and costs related to corrective action activities, whether water quality related or non-water quality related.

Comment:

General concerns with the concept of extending the 30-year requirement for postclosure maintenance insurance indefinitely as insurers will not provide affordable instruments unless there is a defined period of coverage.

Response:

The Staff Report acknowledges this limitation with the insurance demonstration and recommends that the Board not pursue the use of insurance for ongoing postclosure maintenance financial assurance demonstrations.

DRAFT

Attachments for
Task Force Agenda Item VIII:

The California Air Resources Board's Economics and Technology Advancement
Advisory Committee Final Report and Recommendations on GHG Reduction

From: Mike Mohajer [mikemohajer@yahoo.com]
Sent: Sunday, February 24, 2008 4:10 PM
To: Mary Nichols; CARB Board Members
Cc: James Goldstene; Steve Church; Margo Reid Brown; Wesley Chesbro; Jeffrey Danzinger; Rosalie Mule; Cheryl Peace; Gary Petersen
Subject: 2/28/08 CARB Meeting, Item # 08-2-6 ---- Report of the Economic and Technology Advancement Advisory Advancement Committee

Madam Chair and Members of the Board,

On behalf of the Los Angeles County Integrated waste Management Task Force (Task Force), I want to thank you the California Air Resource Board (CARB) for the opportunity to comment on the February 11, 2008 final report entitled *Technologies and Policies to Consider for Reducing Greenhouse Gas Emissions in California*, which was prepared by the CARB's Economic and Technology Advancement Advisory Committee (ETAAC) and released to the public by your Board on February 18, 2008. I also want to commend the ETAAC's Members for their considerable efforts in preparation of the subject report and its recommendations on such a short time frame established by the California Global Warming Solution Act of 2006 (AB 32). Such a short time frame may be the cause for a number of recommendations by the ETAAC in regards to our state integrated solid waste management (ISWM) system which have been formulated without any scientific basis and/or a balance objective to ensure a net reduction in greenhouse gas (GHG) emissions. The following provides a brief list of our initial concerns which are being provided on an interim basis due to the short time frame since this matter is set for your Board consideration on February 28, 2008.

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 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.

I. The Task Force strongly supports recycling as an important element of our ISWM system and recognizes its value in reducing our dependence on disposal options. However, without having a full and complete economic and environmental life-cycle analysis for this technology, it is scientifically not possible to measure reductions or increases in GHG emissions resulting from recycling activities. Additionally, the California recycling industry is very complex and extends beyond the California and the U.S. boundaries to foreign countries. A number of Pacific Rim countries play a major role in providing a market for our recyclable materials. However, environmental laws and regulations in some of these countries are non-existent as compared to California. It should also be recognized that there are no jurisdictional boundaries that would limit the movement of air contaminants (including GHG) from these countries to California negatively impacting our air quality and well being of our residents. This is a critical concern which further substantiate the need for the state to take the lead in conducting a complete life-cycle analysis for our recycling option as it has been recommended by the Task Force for many years.

Based on the foregoing and without any consideration by the ETAAC for the economic impacts on local governments, the Task Force respectfully disagrees with the report recommendations for increases in the recycling rate by an additional 25 percent by 2012 as currently proposed by Senate Bill 1020 (Padilla).

II. The Task Force has a long track record of supporting initiatives that promote producer responsibility because of its major role in reducing commercial/manufacturing waste as well as its positive impact on the reduction of energy consumption and potential reduction in GHG emission. As such, we appreciate the report's acknowledgement of the subject but at the same time disappointed by the lack of any analysis by the ETAAC. Producer responsibility impacts all aspects of our ISWM system, and therefore, it warrants much more consideration.

III. Without conducting any analysis or estimation of GHG emissions, the report incorrectly claims that composting would avoid the generation and emission of methane gas as compared to other disposal options. While the Task Force is in support of composting, we do not believe the development of composting facilities in metropolitan/urbanized areas is a valid ISWM option unless composting activities are conducted in enclosed facilities that operate under negative pressure to control odors and ensure air quality in protecting health and safety of neighboring residents. Additionally, a complete economic and environmental

life-cycle analysis on the composting option needs to be conducted to verify the validity of the recommendations.

For many years, the Task Force has been an advocate for the state to take a proactive role in developing markets for composted products. We are pleased that the ETAAC has arrived at the same conclusion.

IV. The Task Force disagrees with the report's claim that greenwaste is not an effective material for use as a landfill alternative daily cover (ADC). Prior to its approval by the appropriate regulatory agencies, a series of field testing and demonstration activities were conducted to substantiate that greenwaste when used as ADC meets all performance and health and safety criteria established by the California Integrated Waste Management Board. As such, the report's claim is unfounded.

The Task Force also strongly opposes the report's recommendation to phase out the diversion credit for use of greenwaste as a landfill ADC on the basis that such a use would divert green materials from composting activities. Again, such a claim is unfounded and it is contrary to the report's finding (Chapter 4, Pg 4-17) that currently over 12 million tons of compostable organics are being disposed in landfills on an annual basis and would be available for the composting option.

V. The Task Force is very pleased with the ETAAC findings as discussed in Chapters 4, 5 and 6, and Appendix IV of the report that the existing barriers, including but not limited to legislative and regulatory, have significantly hindered the development of conversion technologies in California and that they need to be addressed.

The Task Force has been a strong supporter of conversion technologies and played a major role which resulted in the enactment of AB 2770 in 2002. AB 2770 specifically required the California Integrated Waste Management Board to conduct a study, including life-cycle analysis, to verify the viability of these technologies as an element of our ISWM system and provided a funding in the amount of \$1.5 million for the required study. The result of the 3-year study which was conducted in concert with campuses of the University of California at Davis and Riverside substantiated the viability of these technologies as an ISWM option while producing renewable energy to reduce our dependence on fossil fuel and reducing GHG emission. Unfortunately, the ETAAC's report failed to make any reference to the findings of the subject study .

Since 2003, the Task Force has further expanded its activities with the County of Los Angeles for the development of a pilot demonstration facility in Southern California. As a part of this effort, the Task Force has also visited a number of existing conversion technology facilities in Europe and Japan to insure the viability of these facilities for California. While our findings further substantiate the viability of these facilities, we continue to maintain our position that the state must take the leadership as well as a proactive and visible role in removing the existing legislative and regulatory barriers to the development of these technologies in California.

Based on the results of the AB 2770 study and our site visits and investigation, there are over 200 conversion technology facilities currently operating in Europe and Japan using municipal solid waste as their feedstock. As such, we were dismayed by the report's recommendation (Chapter 6, pp 6-8 & 6-20) that conversion technology facilities using post-recycled solid waste residuals need to be significantly treated differently as compared to those facilities that use "agricultural waste" as feedstock. Needless to say, we are opposed to the said proposal. The criteria should be based on performance and compliance with required rules and regulations and not on a "government policy" to pick a technology/feedstock winner.

The Task Force is looking forward to the opportunity to work with the CARB and other appropriate agencies to ensure an environmentally and economically viable ISWM system that is protective of our citizens' health and safety as well as our natural resources.

Thank you again for the opportunity to submit these initial comments. Should you have any question, please contact me at 909-592-1147.

Regards,

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cc: Each Member of the California Integrated Waste Management Board
Each Member of the Los Angeles County Integrated Waste Management Task Force

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

REVISED
1:12 pm, 2/28/08

Bill	Author	Status	Summary	Task Force Position
AB 6	Houston	Dead	<p>Existing Law: California's Global Warming Solutions Act (AB 32, 2006 Statutes) requires the State Air Resources Board (SARB) to develop regulations to achieve the Act's greenhouse gas emission reduction targets. SARB has the discretion to incorporate market-based options.</p> <p>Proposed Law: This bill would allow a taxpayer to take a deduction for depreciation for qualified capital expenditures such as an existing engine, boiler, generator, or other tangible personal property, that measurably reduces greenhouse gas emissions for the production, generation, or the storing of renewable energy from biomass, solar, wind, and hydrogen sources over a 3-year period.</p>	
AB 35	Ruskin	Vetoed 10-14-07	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would require a state agency that constructs or renovates a state building on or after July 1, 2010, to meet a minimum gold standard for the U.S. Green Building Council's Leadership in Energy and Environmental Design.</p>	
AB 48	Saldana	Vetoed 10-13-07 Reintroduced from 2006 Legislative Session (AB 2202)	<p>Existing Law: The Department of Toxic Substances Control (DTSC) regulates the sale of Covered Electronic Devices (e.g., TVs, computer monitors, laptop computers, and LCD/plasma TVs). State law requires DTSC to adopt regulations by January 1, 2007 prohibiting the sale of CEDs if they are banned in the European Union.</p> <p>Proposed Law: This bill prohibits electronics producers from manufacturing electronic devices for sale in California that are prohibited from sale in the European Union by the reduction of hazardous substances directive, effective January 1, 2010.</p>	
AB 118	Nunez	Chaptered 10-14-07	<p>Existing Law: Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources.</p> <p>Proposed Law: This bill enacts the California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007, funded through fees on vehicle owners and electric utility ratepayers, which would pay for various programs intended to improve air quality and to increase the use of alternative fuels and advanced vehicle technology.</p>	

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

Bill	Author	Status	Summary	Task Force Position
AB 218	Saldana	Amended 1-31-08 In Senate Environmental Quality Committee	<p>Existing Law: Existing law requires the Department of Toxic Substances Control to adopt regulations to prohibit an electronic device from being sold or offered for sale in this state if the electronic device is prohibited from being sold or offered for sale in the European Union on and after its date of manufacture.</p> <p>Proposed Law: This bill would phase out the use of specified hazardous materials consistent with the European Union's RoHS Directive, in the production of consumer electronics within the state by January 1, 2010, unless an exemption is made.</p>	
AB 258	Krekorian	Chaptered 10-14-07	<p>Existing Law: The California Coastal Commission, in partnership with local governments, plans and regulates development and natural resource use along the coast.</p> <p>Proposed Law: This bill would require the State Water Board and other regional boards to implement a program by January 1, 2009 for the control of discharges of preproduction plastics from point and nonpoint sources.</p>	
AB 484	Nava	Vetoed 10-11-07	<p>Existing Law: Existing law requires the Department of Transportation, and any other state agency that provides construction and repair services, to contract for construction items that utilize recycled materials used in paving or paving subbase.</p> <p>Proposed Law: This bill would prohibit CalTrans, or any contractee with the department, from disposing of asphalt concrete or Portland cement concrete in a solid waste landfill, unless the department makes a specified determination that no other means of using or disposing the material is feasible or that it will be used for beneficial reuse in the construction or operation of a solid waste landfill.</p> <p><i>Previously</i>, this bill would have required CalTrans to increase the use of recycled aggregate base to at least 50 percent by January 1, 2008, and at least 75 percent by January 1, 2009, unless it determines that the use of the materials is not cost effective.</p>	Letter of Support sent 6-21-07 for 2-20-07 version
AB 501	Swanson	Amended 1-29-08 In Assembly Health Committee 2 year bill	<p>Existing Law: It is prohibited for a person to dispose of home-generated sharps waste after September 1, 2008.</p> <p>Proposed Law: This bill would require pharmaceutical manufacturers, at the request of a consumer of specified injection devices, to provide a prepaid mail-back sharps container or a sharps container for the safe storage and transport to a sharps consolidation location or other specified locations.</p>	Letter of Support sent 6-21-07 for 4-30-07 version and 1-07-08 for 6-21-07 version

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

Bill	Author	Status	Summary	Task Force Position
AB 546	Brownley	Vetoed 10-14-07	<p>Existing Law: The Department of Toxic Substances Control regulates the sale of Covered Electronic Devices (e.g., TVs, computer monitors, laptop computers, and LCD/plasma TVs). A \$6 - \$10 recovery fee (depending on the screen size) is imposed on these CEDs to fund the collection and recycling of these CEDs.</p> <p>Proposed Law: Beginning July 1, 2008, this bill would require a retailer that sells a covered electronic device to provide a customer through either a sign, written material, or on the sales receipt with the Waste Board's Internet website, which describes where and how to return, recycle, and dispose of a covered electronic device, as well as the locations for its collection or return.</p>	Watch
AB 548	Levine	Vetoed 10-14-07	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would require on or after July 1, 2008, that an owner of a multifamily dwelling consisting of five or more units, provide recycling services that are consistent with any other state or local law or requirement governing the collection, handling, or recycling of solid waste.</p>	Watch
AB 656	Plescia	Dead	<p>Existing Law: Effective February 8, 2006, households can no longer dispose universal waste into the trash. Universal waste includes electronic waste, household batteries, fluorescent tubes, mercury waste, and aerosol cans.</p> <p>Proposed Law: This bill would require the Waste Board and Water Resources Control Board to prepare and forward a report to the Legislature by July 1, 2008 on whether the incidental disposal of alkaline batteries at landfills cause any environmental impacts.</p>	Watch
AB 679	Benoit	Chaptered 10-10-07	<p>Existing Law: Current law carries various penalties, including fines and/or imprisonment for littering or illegal dumping.</p> <p>Proposed Law: This bill would require the court to impose an assessment in addition to any other penalty or fine, in the amount of \$100 for an infraction or \$200 for a misdemeanor, for use by the City or County for illegal dumping enforcement.</p> <p><i>Previously</i>, this bill would have required the court system to impose a civil assessment on violators that is equal to the actual cost of cleanup incurred by the city or county that results from littering or illegal dumping offenses.</p>	Letter of Support for 5-03-07 version sent 6-11-07

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

Bill	Author	Status	Summary	Task Force Position
AB 712	De Leon	Amended 7-12-07 In Senate Appropriations Committee 2 year bill	Existing Law: Existing law requires each operator of a solid waste disposal facility to pay a quarterly fee to the State Board of Equalization. Proposed Law: This bill would impose a new tipping fee of \$0.50/ton of waste disposed in California beginning April 1, 2008, in order to fund air quality compliance for off-road diesel vehicles that dispose, transfer, or process solid waste or recyclable materials. This bill would also provide up to four million dollars in grants for projects that reduce greenhouse gas emissions from landfills through organic material diversion (excluding "thermal technologies").	Letter of Opposition sent 6-12-07 for 5-02-07 version
AB 722	Levine	Dead	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: Starting July 1, 2010, this bill would phase in minimum energy efficiency requirements for general purpose light bulbs over a six-year period. It would require that after the phase-in, most general purpose lights achieve 50 lumens per watt standard.	Watch
AB 729	Mullin	Dead	Existing Law: The Department of Toxic Substances Control regulates the sale of Covered Electronic Devices (e.g., TVs, computer monitors, laptop computers, and LCD/plasma TVs). A \$6 - \$10 recovery fee (depending on the screen size) is imposed on these CEDs to fund the collection and recycling of these CEDs. Proposed Law: This bill would require the Waste Board to develop regulations for authorized CED collectors to legally donate CEDs to non-profit organizations for reuse.	
AB 769	Aghazarian	Dead	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: This bill would exempt all fuel used to transport biomass, including the organic fraction of municipal solid waste, from the State's Sales and Use Tax.	
AB 800	Lieu, Brownley and Krekorian	Chaptered 10-10-07 Related bill AB 1391	Existing Law: State law requires the State Office of Emergency Services to be immediately notified when hazardous substances or sewage is discharged into the waters of the State. Proposed Law: This bill would expand the notification requirements and associated penalties for discharging hazardous substances, sewage, or other wastes into the waters of the State.	Watch

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

Bill	Author	Status	Summary	Task Force Position
AB 820	Karnette	Dead	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would prohibit the selling, use, or distribution of polystyrene food containers at University of California campuses, State Mental Hospitals, and California prisons on condition it is approved by the Board of Regents or the Department of Corrections.</p>	Letter of Support sent 5-17-07
AB 822	Levine	Amended 1-07-08 In Senate Environmental Quality Committee Reintroduction related bill AB 548	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would require on or after July 1, 2009, that an owner of a multifamily dwelling consisting of five or more units, provide recycling services that are consistent with any other state or local law or requirement governing the collection, handling, or recycling of solid waste.</p>	
AB 904	Feuer	Amended 1-29-08	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill enacts the Plastic and Marine Debris Reduction, Recycling, and Composting Act, and prohibits a take-out food provider, on and after July 1, 2012, from distributing single use single-use food service packaging to a consumer, unless the single-use food service packaging is either compostable or recyclable.</p>	Letter of Support for 4-11-07 version sent 6-11-07
AB 1018	Emerson	Dead	<p>Existing Law: Any unauthorized discharge of waste into the waters of the State must be abated in compliance with the local Regional Water Quality Control Board or the State Water Resources Control Board requirements.</p> <p>Proposed Law: This spot bill would make technical non-substantive changes relating to the above issue.</p>	
AB 1023	Desaulnier	Chaptered 7-27-07	<p>Existing Law: Manufacturers of specified plastic trash bags (excluding grocery bags) must incorporate post consumer plastic material in their bags (10% of the bag weight) or in all its plastic products (30% of the total weight).</p> <p>Proposed Law: Exempts manufacturers of compostable and biodegradable trash bags from California's recycled-content requirements for plastic trash bags.</p>	

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

Bill	Author	Status	Summary	Task Force Position
AB 1058	Laird	Vetoed 10-14-07	<p>Existing Law: Existing law sets forth various requirements for energy and design efficiency in the construction and renovation of state buildings.</p> <p>Proposed Law: This bill requires the Department of Housing and Community Development to develop and promote green building standards for residential occupancies and submit them to the Building Standards Commission for review, adoption, approval and publication by July 1, 2009.</p>	
AB 1075	Cook	Amended 1-17-08 In Assembly Appropriations Committee 2 year bill	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Up to 10% of the 50% diversion requirement can be met through biomass conversion provided certain conditions are met, including sending hazardous waste ash to a Class I Hazardous Waste Disposal Facility.</p> <p>Proposed Law: This bill would revise the definition of "transformation" to exclude anaerobic digestion. It would define composting operation and composting facility.</p> <p><i>Previously</i>, this bill would have also defined the term gasification as "solid waste conversion".</p>	Letter of Support sent 1-08-08
AB 1109	Huffman and Feuer	Chaptered 10-12-07	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would create the California Lighting Efficiency and Toxics Reduction Act which would prohibit, on or after January 1, 2010, a person from manufacturing or selling specified general purpose and incandescent lights that contain levels of hazardous substances prohibited by the European Union.</p>	Watch
AB 1183	Hancock	Dead	<p>Existing Law: DTSC regulates hazardous waste in California.</p> <p>Proposed Law: This bill updates the means by which information maintained by the Department of Toxic Substances Control and the State Water Resources Control Board on contaminated sites throughout the state is made available to the public.</p>	
AB 1193	Ruskin	Dead	<p>Existing Law: Existing law prohibits a person from selling, offering to sell, or distributing for promotional purpose a mercury-added thermostat.</p> <p>Proposed Law: This bill would require manufacturers to create a collection and recycling program for mercury added thermostats.</p>	

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

Bill	Author	Status	Summary	Task Force Position
AB 1195	Torrico	Amended 2-04-08 In Senate Appropriations Committee 2 year bill	Existing Law: The Waste Board administers a used oil recycling incentive program which provides used oil collection centers/programs \$0.16/gallon for recycling used oil, and electric utilities \$0.16/gallon for generating electricity from used oil. Proposed Law: This bill would require a used oil generator, transporter, or transfer facility to analyze the oil by an accredited laboratory prior to shipment or recycling, and ship the oil only to a recycling facility certified by the Waste Board. It would require the Waste Board to pay a recycling incentive for any oil burned or used for energy recovery that meets recycled oil purity standards	
AB 1207	Smyth	Dead	Existing Law: The State Water Resources Control Board and the Regional Water Quality Control Board regulates the land application of biosolids. Proposed Law: This bill would require the Waste Board, in consultation with the State Water Resources Control Board, to adopt regulations for the land application of biosolids by July 1, 2010.	Letter of Opposition sent 6-4-07
AB 1237	Hancock	Dead	Existing Law: The Local Enforcement Agency and the Waste Board are required to conduct regular inspections of solid waste facilities. In addition, the Waste Board has 60 days to determine whether to concur or object to the issuance of a Solid Waste Facilities Permit. Proposed Law: This bill would require the LEA and Waste Board inspections to be unannounced. In addition, the Waste Board's 60-day review period would be extended to 90-days. No action taken would be considered tacit objection.	Letter to Oppose unless Amended sent 5-17-07
AB 1391	Brownley	Amended 1-07-08 In Senate Appropriation Committee Related Bill: AB 546 2 year bill	Existing Law: The Electronic Waste Recycling Act of 2003 requires a retailer selling a covered electronic device in this state to collect a covered electronic waste recycling fee from the consumer. Proposed Law: Beginning July 1, 2009, this bill would require a retailer that sells a covered electronic device (CED) to provide a customer information through a sign, written material or information labeled on the device, included in the packaging, or accompanying the CED sale with the Waste Board's Internet website, which describes where and how to return, recycle, and dispose of a covered electronic device, as well as the locations for its collection or return.	

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

Bill	Author	Status	Summary	Task Force Position
AB 1428	Galgiani	Amended 6-26-07 In Senate Environmental Quality Committee 2 year bill	<p>Existing Law: Under existing law, electrical corporations are required to provide eligible biogas digester customer-generators with net energy metering under a pilot program.</p> <p>Proposed Law: This bill would replace the existing pilot program for eligible biogas digester customer-generators with a net energy metering program for eligible customer-generators, which use agricultural residues, animal wastes, or animal renderings (excluding municipal waste) to generate electricity.</p>	
AB 1447	Calderon	Chaptered 10-14-07	<p>Existing Law: No person, other than a certified appliance recycler, can remove materials that require special handling from major appliances, or transport/sell discarded major appliances to a scrap recycling facility, unless specific conditions are met.</p> <p>Proposed Law: This bill makes several changes to provisions governing the handling of hazardous waste and other materials removed from a major appliance before recycling or disposal of the appliance. It would allow appliance service technicians to remove refrigerants from major appliances, and expand the requirements for a certified appliance recycler.</p>	
AB 1473	Feuer	Chaptered 10-12-07	<p>Existing Law: A solid waste facility cannot operate without a Solid Waste Facilities Permit. If the LEA determines that a facility is in violation of this requirement, the LEA must issue a cease and desist order.</p> <p>Proposed Law: This bill requires the CIWMB to adopt emergency regulations to authorize an enforcement agency, upon CIWMB's concurrence, to issue a temporary solid waste facilities permit to an operating solid waste transfer or processing station or a composting facility, which, as of January 1, 2008, is required under the act to have a solid waste facilities permit but for which a permit has not been obtained. The bill sunsets July 1, 2010.</p>	Letter of Support for 4-11-07 version sent 5-17-07
AB 1535	Huffman	Dead	<p>Existing Law: The Department of Toxic Substances Control regulates the sale of Covered Electronic Devices (e.g., TVs, computer monitors, laptop computers, and LCD/plasma TVs). A \$6 - \$10 recovery fee (depending on the screen size) is imposed on these CEDs to fund the collection and recycling of these CEDs.</p> <p>Proposed Law: This bill would change the point of collection for the Electronic Waste Recycling Fee (fee) from the consumer to the manufacturer on every new or refurbished covered electronic device sold or offered for sale in this state. It would also require the Waste Board to review and make adjustments to the fee, as applicable.</p>	Letter of Support sent 6-21-07

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

Bill	Author	Status	Summary	Task Force Position
AB 1610	Nunez	Dead	<p>Existing Law: The Waste Board currently imposes a \$1.40 per ton fee (maximum rate authorized by law) on each solid waste disposed to fund most of their activities.</p> <p>Proposed Law: This bill would require an owner or operator of an oil refinery facility in the state to submit information to the Energy Commission relating to the capacity and operational status of the facility.</p>	Letter of Opposition for 2-23-07 version sent 4-19-07
AB 1972	DeSaulnier	Introduced 2-14-08 In Assembly	<p>Existing Law: Existing law prohibits a person from selling a plastic bag that is labeled as "compostable," "biodegradable," or "degradable," unless the bag meets the current American Society for Testing and Materials (ASTM) standard specification for the term used on the label.</p> <p>Proposed Law: This bill would expand this exemption to include containers that meet the ASTM Standard Specification for biodegradable plastics used as coatings on paper and other compostable substrates</p>	
AB 2058	Levine	Introduced 2-19-08 In Assembly	<p>Existing Law: Existing law requires an operator of a store, as defined, to establish an at-store recycling program that provides customers the opportunity to return clean plastic carryout bags to that store.</p> <p>Proposed Law: This bill would require stores that distribute free plastic bags to meet phased plastic bag diversion and reduction benchmarks, demonstrating a 35% diversion by July 2011 and 70% diversion by July 2013. If either goals are not met, retailers will be prohibited from distributing bags free of charge. The bill would authorize a store to sell a plastic carryout bag to a customer at a cost greater than or equal to \$0.15 per bag as an alternative to demonstrating the increased diversion rates.</p>	
AB 2347	Ruskin	Introduced 2-21-08 In Assembly	<p>Existing Law: Existing law prohibits, on and after January 1, 2006, a person from selling, offering to sell, or distributing for promotional purposes a mercury-added thermostat unless it meets specified criteria.</p> <p>Proposed Law: The bill would require a collection and recycling program on and after January 31, 2010, for out-of-service mercury-added thermostats, including the development of educational and outreach materials, providing adequate incentives and education to contractors, service technicians, and homeowners to encourage return of thermostats to established recycling collection points.</p>	

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

Bill	Author	Status	Summary	Task Force Position
AB 2415	Fuentes	Introduced 2-21-08 In Assembly	Existing Law: The California Integrated Waste Management Act of 1989 requires a person who proposes to operate a solid waste facility to file with the enforcement agency having jurisdiction over the facility. Proposed Law: This bill would require the Waste Board, in the case where a proposed or existing solid waste facility is located in multiple jurisdictions to obtain the approval of the local enforcement agency of each jurisdiction in which the facility is located before the issuance or revision of the permit, and would take effect immediately.	
AB 2505	Brownley	Introduced 2-21-08 In Assembly	Existing Law: Existing law, the Toxics in Packaging Prevention Act, prohibits a manufacturer or supplier from offering for sale or for promotional purposes in this state a package or packaging component that includes specified regulated metals. Proposed Law: This bill would prohibit, on and after January 1, 2010, the sale or promotional distribution of a package or packaging component that includes polyvinyl chloride.	
AB 2625	Strickland	Introduced 2-22-08 In Assembly	Existing Law: Existing law exempts developmental engine fuels authorized by the Department of Food and Agriculture from various restrictions. Proposed Law: This bill would define "renewable diesel" to include that which is derived from non-petroleum renewable resources, including municipal solid waste and other sources.	
AB 2656	Brownley	Introduced 2-22-08 In Assembly	Existing Law: AB 939 requires each city, county, and regional agency to develop a source reduction and recycling program and to divert 50% of all solid waste destined to landfills. Proposed Law: This bill would prohibit a retailer, on or after January 1, 2010, from selling or offering for sale a single-use plastic beverage container with a cap that is not affixed to, or part of, the beverage container. It would also require the cap to be made of the same recyclable plastic resin as the beverage container.	
AB 2640	Huffman	Introduced 2-22-08 In Assembly	Existing Law: AB 939 requires each city, county, and regional agency to develop a source reduction and recycling program and to divert 50% of all solid waste destined to landfills. Proposed Law: This bill would eliminate diversion credit on or after January 1, 2015, for the use of greenwaste for beneficial reuse in the construction and operation of a solid waste landfill or as ADC, and would make greenwaste used as ADC subject to the State's \$1.40/ton fee, to be deposited by the Waste Board in an account to fund grants and loans for compostable organics management projects.	

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

Bill	Author	Status	Summary	Task Force Position
AB 2829	Davis	Introduced 2-22-08 In Assembly	<p>Existing Law: Existing law requires an operator of a store to establish an at-store recycling program.</p> <p>Proposed Law: This bill would additionally require each plastic carryout bag provided by the store to have printed or displayed on the bag an environmental awareness statement describing the negative environmental and wildlife impacts caused by littered plastic carryout bags and encouraging the use of reusable bags, and deletes the prohibition on local governments from imposing a plastic carryout bag fee upon a store. The Bill also includes intent language to assess a statewide charge on plastic carryout bags and to direct the revenues to local governments on a per capita basis to fund litter prevention programs and source reduction efforts.</p>	
AB 2866	De Leon	Introduced 2-22-08 In Assembly	<p>Existing Law: The California Integrated Waste Management Act of 1989, requires an operator of a solid waste disposal facility to pay a fee of \$1.40 for each ton of solid waste disposed to the State Board of Equalization.</p> <p>Proposed Law: This bill would, commencing with the 2008-09 fiscal year, increase the current fee solid waste disposal fee to \$2 per ton.</p>	
AB 3025		Introduced 2-22-08 In Assembly	<p>Existing Law: Existing law prohibits the sale of plastic bags labeled with the term "compostable," "biodegradable," "degradable," or any form of those terms unless the bags meet specified standards.</p> <p>Proposed Law: This intent bill would prohibit, on and after January 1, 2012, a person from selling expanded polystyrene loosefill packaging material.</p>	

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

Bill	Author	Status	Summary	Task Force Position
SB 55	Florez	Dead	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would:</p> <ul style="list-style-type: none"> • Require a publicly owned treatment works (POTW) to submit certification to the regional water quality control board regarding any sewage sludge that is transferred from a facility for disposal or further processing; • Require the sludge be certified to meet the requirements and standards for any pollutants listed in the waste discharge requirements for the POTW issued by the regional board; • Require any POTW to submit additional certification to sludge haulers certifying that the waste product is non-hazardous. 	Letter of Opposition sent 5-23-07
SB 74	Florez	Dead	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would exempt, through January 1, 2014, Sales and Use taxes related to the sale, storage, use, or other consumption of biodiesel fuel wholly or partly derived from agricultural products, vegetable oils, recycled greases, or animal fats, or the wastes of those products or fats.</p>	
SB 140	Kehoe	Dead	<p>Existing Law: The Air Resources Board is required to conduct a comprehensive study on the impact of any regulations that establish a specification for motor vehicle fuel.</p> <p>Proposed Law: This bill would require the ARB to develop regulations requiring all diesel fuel sold to contain at least 2% renewable diesel (derived from vegetable oils, waste grease, or animal fat) no later than one year after a specified determination is made by the state Air Board. Within two years of the effective date of the regulations, at least 5% of all diesel fuel sold or offered for sale in the state for use in internal combustion engines would be required to contain renewable diesel fuel.</p>	Letter of Support for 5-01-07 version sent 5-23-07
SB 410	Simitian and Perata	Dead	<p>Existing Law: Utilities are required to obtain 20% of their delivered power from renewable sources by 2010. The Energy Commission administers a renewable energy program that provides "supplemental energy payments" to renewable energy producers to make renewable energy sources more competitive with nonrenewable sources.</p> <p>Proposed Law: This bill requires the California Energy Commission (CEC), in making awards from the Existing Renewable Resource Account to establish a specified production incentive and to make payments depending upon the availability of funding. Deletes the requirement that an existing facility generating electricity from biomass is eligible for funding only if it reports certain information on fuel usage to the CEC.</p>	

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

Bill	Author	Status	Summary	Task Force Position
SB 411	Simitian	Amended 7-17-07 In Assembly Appropriations Committee 2 year bill	<p>Existing Law: Utilities are required to obtain 20% of their delivered power from renewable sources by 2010. The Energy Commission administers a renewable energy program funded by a surcharge on consumers' energy bills.</p> <p>Proposed Law: This bill would require retail sellers of electricity, as specified, to increase their total procurement of eligible renewable energy so that at least 33% of retail sales are procured from eligible renewable energy resources no later than December 31, 2020.</p>	
SB 429	Ducheny	Dead	<p>Existing Law: Cal-EPA, the Waste Board, Water Board, each regional water quality control board, and the Department of Toxic Substances Control to maintain a list of all instruments and agreements restricting land uses imposed by those agencies and would require the list to provide specified information.</p> <p>Proposed Law: This bill would require state agencies, including Cal EPA, various local agencies, including a local solid waste enforcement agency, to notify the building, planning, or engineering department in the affected city or county if it takes certain actions with regard to approving a remedial action, removal action, closure, corrective action, or any other type of environmental cleanup action. The bill would authorize that department to refuse to issue a building, land use, or development-related permit unless the applicable entity reviews the permit application and approves the proposed activity, or proposes measures necessary to protect the public.</p>	
SB 470	Ashburn	Vetoed 10-13-07	<p>Existing Law: Existing law provides that any person who has the care or control of any animal that dies from any contagious disease shall immediately cremate or bury the animal.</p> <p>Proposed Law: This bill would require the Waste Board to convene a working group to draft regulations for the emergency disposal or rendering of animal carcasses/livestock during a state of emergency, which would be adopted no later than July 1, 2009</p>	
SB 660	Perata	Vetoed 10-14-07	<p>Existing Law: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases.</p> <p>Proposed Law: This bill would establish the Strategic Research Investment Council, which would prepare and adopt a strategic research, development, and demonstration plan that establishes priorities and key expenditure categories for clean technologies.</p>	

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

Bill	Author	Status	Summary	Task Force Position
SB 697	Yee (Prev. Wiggins)	Amended 9-07-07 In Assembly Health Committee 2 year bill	<p>Existing Law: State agencies are required to purchase specified recycled-content products, including mulch and recycled compost. In addition, the Department of General Services, in consultation with the Waste Board, develops the specifications for the purchase of compost by State agencies.</p> <p>Proposed Law: This bill would prohibit a health care service provider from seeking reimbursement for covered services furnished to a person enrolled in the Healthy Families Program or the Access for Infants and Mothers Program from other than the participating health plan covering that person.</p> <p><i>Previously,</i> this bill would have required CalTrans and all persons contracting with the department to be use compost produced within the State.</p>	Letter of Support for 4-07-07 version sent 6-21-07
SB 735	Wiggins	Vetoed 10-11-07	<p>Existing Law: Existing law requires the Director of Transportation, in consultation with the California Integrated Waste Management Board, to review and modify bid specifications related to the purchase of paving materials, and base, subbase, and pervious backfill materials, using recycled materials.</p> <p>Proposed Law: This bill would require CalTrans to track the use of recycled and virgin materials for subbase, base and lean concrete base. It would require that CalTrans report to the Legislature on January 1, 2010 and biennially thereafter on the use of recycled materials that it is required to track.</p>	
SB 826	Padilla	Vetoed 10-13-07	<p>Existing Law: The Waste Board establishes the State's minimum standards for solid waste facilities, including the design, operation, maintenance, and reuse of these facilities.</p> <p>Proposed Law: This bill would request the Regents of the University of California to carry out various projects with respect to Native American education assigned to the State Librarian under existing law.</p> <p><i>Previously,</i> this bill would have required the Waste Board to adopt state minimum standards to identify and mitigate environmental justice impacts in disproportionately affected communities in which solid waste facilities are located.</p>	Letter of Concern with 4-12-07 version sent on 5-23-07

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

Bill	Author	Status	Summary	Task Force Position
SB 842	Scott	Dead	<p>Existing Law: "Gasification" is the non-combustion thermal processing of waste using heat, pressure, and steam to convert materials directly into a gas for electricity generation.</p> <p>To qualify for diversion credit, a gasification facility must:</p> <ul style="list-style-type: none"> • Not use air or oxygen in the conversion process • Not discharge air contaminants or emissions • Not discharge to surface or groundwater • Not produce hazardous waste • Remove all recyclable materials and marketable green waste materials to the maximum extent feasible • Be in compliance with all applicable laws, regulations, and ordinances • Any jurisdiction using the facility must have a 30% diversion rate <p>Proposed Law: This bill would authorize a gasification facility's discharge of air contaminants or emissions to be regulated by the State Air Resources Board or Air Quality Management Districts rather than having an absolute zero threshold.</p>	Letter of Support sent 5-17-07
SB 898	Simitian	Chaptered 10-13-07 In Assembly Appropriations Committee	<p>Existing Law: The Personal Income Tax Law provides for individual contributions to support specified funds.</p> <p>Proposed Law: This bill would extend the sunset dates for two voluntary contribution funds contained on the personal income tax return.</p> <p><i>Previously</i>, this bill would have clarified that the public entity would have conducted a program to prevent the recurrence of solid waste disposal into municipal storm sewers.</p>	
SB 899	Simitian	Amended 3-26-07 In Assembly Environmental Safety and Toxic Materials Committee 2 year bill	<p>Existing Law: Current law generally prohibits the manufacture, processing or distribution of products containing more than a specified amount of polybrominated diphenyl ether (PBDES).</p> <p>Proposed Law: This bill would phase out the use of plastic products that contain toxic materials such as styrene, bisphenol-A, perfluorocotanoic acid, vinyl chloride, nonylphenols, and alkylphenols. It would prohibit a person by June 1, 2008 from manufacturing, processing or distributing a product containing perfluorinated compounds or chemicals that degrade in the environment.</p>	

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

Bill	Author	Status	Summary	Task Force Position
SB 966	Simitian and Kuehl	Chaptered 10-12-07	<p>Existing Law: AB 939 requires local jurisdictions to implement a plan to manage household hazardous waste, including unwanted pharmaceutical drugs.</p> <p>Proposed Law: This bill would require the Waste Board to develop model programs for the collection and proper disposal of pharmaceutical drug waste.</p> <p><i>Previously</i>, this bill would have authorized every drug retailer to conduct projects for the collection of drugs for proper disposal. If by January 1, 2011, less than 80 percent of the state's population has access to a collection opportunity within one mile of a retailer, the Department of Toxic Substances Control shall require every retailer to have a system in place for the acceptance and collection of drugs for proper disposal.</p>	Letter of Support for 4-30-07 version sent 6-21-07
SB 1016	Wiggins	Amended 4-10-07 In Assembly Natural Resources Committee 2 year bill	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. In determining compliance with AB 939, the State's diversion rate measurement system is used. The System has been found to be inaccurate, often resulting in non-representative diversion rates for jurisdictions.</p> <p>Proposed Law: This bill would authorize the Waste Board, if it determines that a city or county has diverted more than 50% of solid waste from landfill disposal to submit biennially information required in the Waste Board's annual report. If either the city or county subsequently fails to divert 50% of the solid waste, or if the Board rescinds the authorization, the city or county would be required to submit the report annually.</p>	Comment Letter on draft revisions sent 7-11-07 and 1-31-08
SB 1020	Padilla	Amended 6-26-07 In Assembly Appropriations Committee 2 year bill	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Failure to comply may subject the jurisdiction to penalties of up to \$10,000 per day.</p> <p>Proposed Law: Requires the Waste Board to adopt policies, programs, and incentives to ensure that the state achieves a 60% solid waste diversion rate by 2012 and a 75% diversion rate by 2020.</p>	Letter of Opposition for 4-09-07 sent 4-18-07
SB 1021	Padilla	Chaptered 10-12-07	<p>Existing Law: The California Beverage Container Recycling and Litter Reduction Act requires the Department of Conservation to implement a Statewide beverage container recycling program, including providing grant funding to local governments and non-profit agencies.</p> <p>Proposed Law: This bill would, for calendar year 2008, make available \$15 million in grant funding to place source separated beverage container recycling containers at multifamily homes.</p>	Watch

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
February 28, 2008**

Bill	Author	Status	Summary	Task Force Position
SB 1036	Perata	Chaptered 10-14-07	<p>Existing Law: Existing law requires the Energy Commission to certify eligible renewable energy resources and to award production incentives and allocate and award supplemental energy payments from the New Renewable Resources Account to cover above-market costs of purchasing electricity from eligible renewable energy resources.</p> <p>Proposed Law: This bill would eliminate the CEC administration of funds available for award to new renewable energy facilities in the form of supplemental energy payments (SEPs) pursuant to the Renewables Portfolio Standard (RPS). This bill would authorize the Public Utilities Commission (PUC) to allow recovery of future above-market costs pursuant to its ratemaking authority.</p>	
SB 1321	Correa	Introduced 2-20-08 In Senate	<p>Existing Law: Existing law requires the Waste Board to develop and implement a source reduction and recycling program for schools in which schools are encouraged, but not required, to participate.</p> <p>Proposed Law: This bill would require a school district that maintains secondary schools to operate its own beverage container recycling program, or have the containers collected by the Civilian Conservation Corps or other recycler.</p>	
SB 1473	Calderon	Introduced 2-21-08 In Senate	<p>Existing Law: The California Building Standards Law provides for the adoption of building standards by state agencies.</p> <p>Proposed Law: This bill would revise the definition of "building standard" to include sustainable building standards and green building standards. It would require each city or county to collect a fee from any applicant for a building permit, assessed at the rate of \$4 per \$100,000, which would be deposited in the fund and be available for the development, adoption, publication, and educational efforts associated with green building standards.</p>	



Draft 2008 REGIONAL COMPREHENSIVE PLAN

Southern California Association of Governments

The Regional Comprehensive Plan — Future of the Region Dialogue

State of the Region

REPORT CARD

	98	99	00	01	02	03	04	05	06
Employment	B-	A-	B+	B	B-	B	B	B	B
Income	C+	C+	C	C	C-	C-	C	C	C
Housing	D	D	D	D	D+	D	D	F	D-
Mobility	C	B-	B	B-	C	C-	C	C	D
Air Quality	D	D	D	D	D	D	D	D	D-
Education	B	B+	B+	B	B	B	B	B	B
Public Safety	B	B+	B+	B	B	B	B	B	B

A - Superior
 B - Above Average
 C - Average
 D - Below Average
 F - Falling

The RCP is a problem-solving guidance document.

Demonstrates why we need to do more than we're doing today.

Recommends key roles and responsibilities.

The Regional Comprehensive Plan — Future of the Region Dialogue

Solid Waste Chapter



Develops a strategy for managing our waste.

Presents Goals, Outcomes, and an Action Plan

The Regional Comprehensive Plan — Future of the Region Dialogue

Solid Waste Goals

To be a region that successfully:

- conserves natural resources
- reduces reliance on landfills, and
- creates new economic opportunities in the most environmentally responsible manner possible.

The Regional Comprehensive Plan — Future of the Region Dialogue

Promoting a new waste management hierarchy



The Regional Comprehensive Plan — Future of the Region Dialogue

Solid Waste Outcomes - 1

All SCAG jurisdictions should meet a 40% waste disposal (to landfill) rate by 2035 ...(through) appropriate and environmentally sound:

- recycling,
- composting, and
- other conversion technologies with diversion credit

As well as product stewardship and extended producer responsibility

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Solid Waste Outcomes - 2

Conversion and other alternative technologies should be available as a diversion strategy in the next five years with one or more new conversion technology facilities sited in the SCAG region by 2030.

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Action Plan

Contains actions for SCAG, local, state, and federal governments.

Indicates benefits to other resource areas such as air quality, water, and the economy.

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Action Plan - Examples

SW-1 SCAG shall encourage all levels of government to advocate for source reduction and waste prevention.

SW-19 Developers and local governments should facilitate the creation of synergistic linkages between community businesses and the development of eco-industrial parks and materials exchange centers...

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Action Plan - Examples

SW-30 The CIWMB should take a more active leadership role in recycling markets since our local services and products are trading and competing on a global basis...

SW-1S Federal, State and local governments should support and implement source reduction policies which promote product stewardship...(such as)

- create ordinances with EPR policies that require...
“sustainable” packaging...

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Comments & Questions

For More Information
<http://scag.ca.gov/rcp/draft.htm>

The Regional Comprehensive Plan — Future of the Region Dialogue



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LA County, Department of Public Works Environmental Programs Division
Green Task Force Presentation

presented by the famous spencer brown, founder and inventor

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American's have not changed the way we pack in move in over 230 years, but we can watch desperate housewives on our ipods. there's a serious disconnect. we have a problem.

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Cardboard Boxes = Triple Negative!



- bad for our ecology
- [promotes deforestation]
- bad for our environment
- [expands our landfills]
- bad for our economy
- [waste of fuel to transport trash]
- [waste of good water to process]
- [waste of labor hauling it around]
- [expensive to recycle]
- [60% is burned or land filled]
- [recycled boxes cost more to make]

Bad, Bad, Bad !!!

www.rentagreenbox.com



20% of the population packs and moves every year!



- 16 times in your lifespan
- we move every 5 years
- 350 pounds of trash created
- no choice- only cardboard
- waste of time, money and our limited natural resources!

www.rentagreenbox.com



4% to 9% of all businesses pack & move each year!



California is the 7th largest economy in the world
Los Angeles creates endless business opportunities and with it, endless waste.

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cardboard has increased 135% in the past 18 months!



- labor costs to breakdown, bail and load onto trucks.
- high energy costs to transport to local recycling centers.
- high cost of real estate and epa issues effect costs = huge increases!

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recycling is more expensive with higher energy prices and labor cost increases.



everything we recycle has multiple costs.

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welcome to the new world



here's our reality today...

- we have two times the amount of people on the planet
- living twice as long....
- using twice the amount of energy on a daily basis
- producing 4 times the amount of trash
- what direction are we going?
- where are we headed?

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what do you think? it's time for a...



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all of those little green gears in my head starting spinning.



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uh-oh, landfills are a huge problem and the solution.



- landfills are over capacity and growing in LA
- 5 pounds per person per day
- what's the real cost of expanding our landfills?

www.rentagreenbox.com



landfills expansion facts.



- 5.6% of national energy usage is used to transport and manage landfills.
- 45% of all trash is generated by business.
- 30% of landfill waste can be recycled into other value added consumer products.
- L.A. has huge trash issues.

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landfills are primarily filled with cardboard and hard to recycle plastic waste.



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RecoPack
by PackingPartners

www.rentagreenbox.com



we have a solution.

- let's call it "Miracle Plastic"
- this will never break down in our landfills... ever! OUCH!
- clogging our landfills, so it's mandated to be removed, bailed and sold- typically it is exported to Asia.
- China likes to make carpet backing and other invisible consumer products.
- over 2.3 billion bottles enter ever year! That's billion.....

www.rentagreenbox.com



We take all of those colorful plastic bottles from under your kitchen sink and laundry room to make Recopacks.



www.rentagreenbox.com



RecoPack[®]
[Recycled Ecological Packing]
[SOLUTION]



www.earthfriendlymoving.com
www.packingpartners.com

www.rentagreenbox.com



this is a typical recycling process.



www.rentagreenbox.com



compressed 1 ton bails ready for cleaning.



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HDPE #2



- to date we have removed over 1 million pounds of hard to recycle hdpe #2 plastic waste.
- we are projected to remove over 3 million pounds by end of the year.
- 10 million pounds in 3 years and 25 million in 7 years.
- i'm taking our trash and converting into a very useful cradle to cradle product.

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we need to clean, grind and melt the plastic.



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i figured out how to sort the plastic bottles into special color groups to make our unique green color. i then apply my patented NANO technology to the plastic.



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we have enough material to make 250,000 Recopacks.



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we make one Recopack every 42 seconds.



www.rentagreenbox.com



it takes over 72 plastic bottles to make one Recopack.



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The Recopack
proudly made in the USA!
made in 3 sizes: XL,L,M
rents for \$1.00, \$2, \$3 per week
replacement for cardboard
will last for over 400 uses!
98% recycled after expired
zero waste solution
detox for landfills

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every time we rent a 100 Recopacks here's the impact.



www.rentagreenbox.com



for every 100 Recopacks rented



- we remove over 500 pounds of hard to recycle plastic trash
- we prevent over 350 pounds of moving waste from entering the landfills
- we save over 50 gallons of gas
- we save over 350 gallons of clean drinking water
- we reduce over 2500 pounds of carbon dioxide emissions from entering our landfill
- we save three trees from being converted into cardboard boxes

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we have run out of cheap resources- we're running on fumes.



www.rentagreenbox.com



we convert your trash into a zero waste pack and move solution that saves time, money and the Earth!



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it takes over 72 plastic bottles to make one Recopack.



www.rentagreenbox.com



we convert cardboard sludge into the replacement for bubble wrap.



geami paper

www.rentagreenbox.com



we convert paper sludge into the replacement for packing peanuts.



recocubes

www.rentagreenbox.com



we convert paper sludge into the replacement for packing paper.



recopaper

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how can we work together to fix this problem?



www.rentagreenbox.com



are you part of the problem or part of the solution?



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the air we breathe is made by trees that convert CO2 to O2



Breathe.

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when you really stop to think about it...



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without 
we're all 
out of 

RecPack
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anyone who drives a car like this has a point to make.



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we deliver environmental consciousness in a box!



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think green, go green, save green!



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949.306.5622

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ASSEMBLY BILL

No. 2640

Introduced by Assembly Member Huffman

February 22, 2008

An act to amend Sections 41781.3 and 48000 of, to add Section 41781.5 to, and to add Article 3 (commencing with Section 48030) to Chapter 2 of Part 7 of Division 30 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2640, as introduced, Huffman. Solid waste: compostable organics management.

(1) The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board. The act requires a city, county, city and county, or regional agency to develop a source reduction and recycling element of an integrated waste management plan containing specified components.

The act requires the source reduction and recycling element to divert 50% of all solid waste subject to the element from disposal through source reduction, recycling, and composting activities, with specified exceptions. Under the act, the use of solid waste for beneficial reuse in the construction and operation of a solid waste landfill, including the use of alternative daily cover, constitutes diversion through recycling and is not considered disposal for purposes of the act. The act requires the board, prior to December 31, 1997, to adopt rules and regulations establishing conditions for the use of alternative daily cover that are consistent with the act and requires, until the board adopts those

regulations, that the use of alternative daily cover be governed by specified existing regulations.

This bill would require the board to adopt policies and to develop and implement programs, to ensure that on and after January 1, 2020, the amount of compostable organics subject to landfill disposal or otherwise deposited in landfills is reduced as specified.

This bill would provide that, on and after January 1, 2015, the use of green material, as defined, for beneficial reuse in the construction and operation of a solid waste landfill, including the use of green material as alternative daily cover, would not constitute diversion and would require that green material be considered disposal for purposes of the act. The bill would require the board to notify operators of disposal facilities of this provision on or before July 1, 2009.

This bill would require the board, on or before July 1, 2010, to adopt or revise regulations that establish conditions for the use of alternative daily cover that are consistent with the act. The bill also would delete an obsolete reference to the board's existing regulations.

This bill would impose a state-mandated local program by imposing new duties upon local agencies related to implementing those provisions.

(2) The act requires an operator of a solid waste disposal facility to pay a quarterly fee of up to \$1.40 per ton based on the amount of all solid waste disposed of at each disposal site and requires the State Board of Equalization to collect the fees and deposit the fees in the Integrated Waste Management Account in the Integrated Waste Management Fund (fund) in the State Treasury. The act requires the Integrated Waste Management Board to use the moneys in the account, upon appropriation by the Legislature, for specified purposes.

This bill, with regard to green material used for beneficial reuse, including use as alternative daily cover, at a disposal site, would instead require an operator of a solid waste disposal facility to pay a quarterly fee of \$1.40 per ton, would establish the Organics Management Account in the fund, and would require the State Board of Equalization to collect and deposit the fees imposed on that green material in the account. The bill would require the California Integrated Waste Management Board to expend the moneys in the account, upon appropriation by the Legislature, for competitive grants and loans for compostable organics management projects and commencing on July 1, 2010, for a program adopted by the board for compostable organics management.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) With the enactment of the California Integrated Waste
4 Management Act of 1989 (the act), the Legislature declared that
5 the California Integrated Waste Management Board and local
6 agencies shall promote recycling and composting over land disposal
7 and transformation.

8 (b) Since the enactment of the act, local governments and private
9 industries have worked jointly to create an extensive material
10 collection infrastructure and have implemented effective programs
11 to achieve a statewide diversion rate greater than 50 percent.

12 (c) Although California now leads the nation in waste reduction
13 and recycling, the state continues to dispose of more than 10
14 million tons of compostable organics each year in solid waste
15 landfills.

16 (d) The landfilling of compostable organics, including organic
17 materials used as landfill cover, squanders dwindling disposal
18 capacity, adds to landfill volatility, and results in the emission of
19 greenhouse gases, volatile organic compounds, and ammonia.

20 (e) Composting organic materials results in substantial
21 environmental and agricultural benefits, including the reduction
22 of methane gas and naturally occurring volatile organic compounds
23 and ammonia.

24 (f) The Economic and Technology Advancement Advisory
25 Committee, formed pursuant to the California Global Warming
26 Solutions Act of 2006 (A.B. 32, 2005–06 Reg. Sess.), has identified
27 composting as a cost-effective technology for reducing greenhouse
28 gas emissions and has recommended providing financial incentives
29 to assist compost operators to offset the cost of complying with
30 new and existing environmental regulations.

1 (g) The application of compost in agriculture and landscaping
2 has been shown to offer significant water quality benefits, provide
3 erosion control, reduce the need for synthetic fertilizers and
4 pesticides, and conserve water and irrigation-associated energy.

5 (h) The use of compostable organics as alternative daily cover
6 in the construction and operation of solid waste landfills deprives
7 California agriculture and the environment of compostable organic
8 material for compost and other higher and better uses.

9 (i) The California Integrated Waste Management Board has
10 adopted a Strategic Directive to reduce the amount of organics in
11 the waste stream by 50 percent by the year 2020 and has identified
12 the need for as many as 100 additional facilities in the state to
13 process compostable organics.

14 (j) In order to reduce the landfilling of organics, increase
15 composting, and meet the organics disposal reduction target
16 adopted by the California Integrated Waste Management Board,
17 the state should reduce barriers to, and provide incentives for,
18 increasing processing capacity and end-use markets for
19 compostable organics.

20 SEC. 2. Section 41781.3 of the Public Resources Code is
21 amended to read:

22 41781.3. (a) (1) The use of solid waste for beneficial reuse
23 in the construction and operation of a solid waste landfill, including
24 *the* use of alternative daily cover, which reduces or eliminates the
25 amount of solid waste being disposed pursuant to Section 40124,
26 shall constitute diversion through recycling and shall not be
27 considered disposal for the purposes of this division.

28 (2) *On and after January 1, 2015, the use of green material, as*
29 *defined in regulations adopted by the board pursuant to Section*
30 *40502, for beneficial reuse in the construction and operation of a*
31 *solid waste landfill, including the use of green material as*
32 *alternative daily cover, shall not constitute diversion through*
33 *recycling and shall be considered disposal for purposes of this*
34 *division.*

35 (3) *On January 1, 2009, the board shall provide notice to all*
36 *operators of disposal facilities of the requirements of paragraph*
37 *(2).*

38 (b) ~~Prior to December 31, 1997~~ *On or before July 1, 2010,*
39 *pursuant to the board's authority to adopt rules and regulations*
40 *pursuant to Section 40502, the board shall, ~~by regulation,~~ adopt*

1 *or revise regulations that* establish conditions for the use of
2 alternative daily cover that are consistent with this division. In
3 adopting the regulations, the board shall consider, but is not limited
4 to, all of the following criteria:

5 (1) Those conditions established in past policies adopted by the
6 board affecting the use of alternative daily cover.

7 (2) Those conditions necessary to provide for the continued
8 economic development, economic viability, and employment
9 opportunities provided by the composting industry in the state.

10 (3) Those performance standards and limitations on maximum
11 functional thickness necessary to ensure protection of public health
12 and safety consistent with state minimum standards.

13 (c) Until the adoption of additional regulations, the use of
14 alternative daily cover shall be governed by the conditions
15 established by the board in its existing regulations ~~set forth in~~
16 ~~paragraph (3) of subdivision (b) of, and paragraph (3) of~~
17 ~~subdivision (c) of, Section 18813 of Title 14 of the California Code~~
18 ~~of Regulations~~, as those ~~sections~~ *regulations* read on the effective
19 date of *the amendments to this section*, ~~and by the conditions~~
20 ~~established in the board's policy adopted on January 25, 1995 as~~
21 ~~enacted by the Statutes of 2008.~~

22 (d) In adopting rules and regulations pursuant to this section,
23 Section 40124, and this division, including, but not limited to, Part
24 2 (commencing with Section 40900), the board shall provide
25 guidance to local enforcement agencies on any conditions and
26 restrictions on the utilization of alternative daily cover so as to
27 ensure proper enforcement of those rules and regulations.

28 SEC. 3. Section 41781.5 is added to the Public Resources Code,
29 to read:

30 41781.5. The board shall adopt policies and develop and
31 implement programs to ensure that, on and after January 1, 2020,
32 the amount of compostable organics subject to landfill disposal or
33 otherwise deposited in landfills in the state annually is 50 percent
34 or less of the amount of compostable organics disposed or
35 otherwise deposited in landfills during the 2008 calendar year.

36 SEC. 4. Section 48000 of the Public Resources Code is
37 amended to read:

38 48000. (a) ~~Each~~ *An* operator of a disposal facility shall pay a
39 fee quarterly to the State Board of Equalization ~~which~~ *that* is based
40 on the amount, by weight or volumetric equivalent, as determined

1 by the board, of all solid waste disposed of at each disposal site,
2 *except solid waste for which the payment of a fee is required*
3 *pursuant to Section 48030.*

4 (b) The fee for solid waste disposed of shall be one dollar and
5 thirty-four cents (\$1.34) per ton. Commencing with the 1995–96
6 fiscal year, the amount of the fee shall be established by the board
7 at an amount that is sufficient to generate revenues equivalent to
8 the approved budget for that fiscal year, including a prudent
9 reserve, but shall not exceed one dollar and forty cents (\$1.40) per
10 ton.

11 (c) The board shall notify the State Board of Equalization on
12 the first day of the period in which the rate shall take effect of any
13 rate change adopted pursuant to this section.

14 (d) The board and the State Board of Equalization shall ensure
15 that all the fees for solid waste imposed pursuant to this section
16 that are collected at a transfer station are paid to the State Board
17 of Equalization in accordance with this article.

18 SEC. 5. Article 3 (commencing with Section 48030) is added
19 to Chapter 2 of Part 7 of Division 30 of the Public Resources Code,
20 to read:

21

22 Article 3. Organics Management Account

23

24 48030. (a) On and after January 1, 2009, an operator of a
25 disposal facility shall pay a fee quarterly to the State Board of
26 Equalization that is based on the amount, by weight or volumetric
27 equivalent, as determined by the board, of all green material, as
28 defined in regulations adopted by the California Integrated Waste
29 Management Board pursuant to Section 40502, that is used for
30 beneficial reuse, including use as alternative daily cover, at each
31 disposal site.

32 (b) The fee imposed pursuant to this section shall be one dollar
33 and forty cents (\$1.40) per ton.

34 (c) The board and the State Board of Equalization shall ensure
35 that all fees for green material imposed pursuant to this section
36 that are collected at a transfer station are paid to the State Board
37 of Equalization in accordance with this article.

38 48031. (a) The revenue from the fees paid pursuant to Section
39 48030 shall, after payment of refunds and administrative costs of

1 collection, be deposited in the Organics Management Account,
2 which is hereby created in the Integrated Waste Management Fund.

3 (b) For purposes of this article, “account” means the Organics
4 Management Account, created pursuant to subdivision (a).

5 48032. The state board shall adopt rules and regulations to
6 carry out Section 48030, including, but not limited to, provisions
7 governing collections, reporting, refunds, and appeals.

8 48033. The state board shall not spend more than one-half of
9 1 percent of the total revenues deposited, or anticipated to be
10 deposited, in the account during a fiscal year for the administration
11 of this article during that fiscal year.

12 48034. (a) The board shall expend the moneys in the account,
13 upon appropriation by the Legislature, for the administration and
14 implementation of this article.

15 (b) The board shall adopt rules and regulations governing the
16 expenditure of the moneys in the account, in accordance with the
17 purposes set forth in this article.

18 48035. (a) (1) The board shall develop a program of grants
19 and loans for compostable organics management projects.

20 (2) In expending the moneys in the account pursuant to
21 paragraph (1), the board shall support only projects that meet or
22 exceed new or existing state environmental standards.

23 (b) The board shall adopt a program, to commence on July 1,
24 2010, for compostable organics management. The program shall
25 be administered by the board pursuant to regulations adopted by
26 the board.

27 SEC. 6. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 a local agency or school district has the authority to levy service
30 charges, fees, or assessments sufficient to pay for the program or
31 level of service mandated by this act, within the meaning of Section
32 17556 of the Government Code.

ASSEMBLY BILL

No. 2866

Introduced by Assembly Member De Leon

February 22, 2008

An act to amend Section 48000 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2866, as introduced, De Leon. Solid waste: solid waste disposal fees.

Existing law, the California Integrated Waste Management Act of 1989, requires an operator of a solid waste disposal facility to pay a quarterly fee to the State Board of Equalization based on the amount of solid waste disposed of at each disposal site. Commencing with the 1995–96 fiscal year, the act requires the California Integrated Waste Management Board to establish the amount of the fee, as specified, and limits the fee to a maximum of \$1.40 per ton.

This bill would, commencing with the 2008–09 fiscal year, require the board to establish the amount of the fee in an amount not exceeding \$2 per ton.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 48000 of the Public Resources Code is
- 2 amended to read:
- 3 48000. (a) ~~Each~~An operator of a disposal facility shall pay a
- 4 fee quarterly to the State Board of Equalization which is based on

1 the amount, by weight or volumetric equivalent, as determined by
2 the board, of all solid waste disposed of at each disposal site.
3 (b) ~~The fee for solid waste disposed of shall be one dollar and~~
4 ~~thirty-four cents (\$1.34) per ton. Commencing with the 1995–96~~
5 ~~fiscal year, Commencing with the 2008–09 fiscal year, the board~~
6 ~~shall establish the amount of the fee shall be established by the~~
7 ~~board~~ at an amount that is sufficient to generate revenues equivalent
8 to the approved budget for that fiscal year, including a prudent
9 reserve, but shall not exceed ~~one dollar and forty cents (\$1.40) per~~
10 ~~ton~~ *two dollars (\$2) per ton.*
11 (c) The board shall notify the State Board of Equalization on
12 the first day of the period in which the rate shall take effect of any
13 rate change adopted pursuant to this section.
14 (d) The board and the State Board of Equalization shall ensure
15 that all the fees for solid waste imposed pursuant to this section
16 that are collected at a transfer station are paid to the State Board
17 of Equalization in accordance with this article.