



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

April 18, 2007

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

Dear Senator Padilla:

**SENATE BILL 1020 (AMENDED APRIL 9, 2007)
STATEWIDE MANDATORY WASTE DIVERSION RATE INCREASE TO 75 PERCENT**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **strongly opposes** Senate Bill 1020 (SB 1020), which would increase the waste diversion mandate imposed on local governments from 50 to 75 percent, effective January 1, 2012, for the following reasons:

- The Bill does not provide diversion credit for activities and processes such as conversion of biomass to ethanol and/or other products through the use of conversion technologies.
- The Bill as currently drafted does not address the current deficiencies of the State Diversion Rate Measurement System.
- No cost/benefit analysis has been conducted to evaluate the public health impacts as well as the feasibility and associated costs of increasing the diversion rate mandate.
- The Bill does not provide local governments the financial and technical resources needed to achieve the higher diversion mandate.
- The Bill, while it places higher waste diversion mandates with related penalties on local governments, fails to recognize and place any shared responsibilities on state and regional governmental agencies as well as the California University and College systems, school districts and other special districts.
- The Bill does not place any responsibility on the manufacturing sector for reducing waste and product stewardship.

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Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and its 88 cities in Los Angeles County with a combined population in excess of 10 million. Consistent with these responsibilities, and to ensure a coordinated and cost-effective and environmentally-sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a Countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, the County of Los Angeles Board of Supervisors, the City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

The cornerstone of AB 939 is the mandate on local governments to reduce the amount of solid waste disposed at landfills by 50 percent by the year 2000 and thereafter. Failure to mathematically demonstrate achievement of this mandate may subject them to penalties of up to \$10,000 per day. SB 1020, if enacted, would increase the 50 percent waste diversion mandate to 75 percent beginning January 1, 2012.

First, while we share a common goal of reducing waste to protect our environment, it is difficult to understand why the State would increase the diversion rate without first addressing the inherent deficiencies of the State's Diversion Rate Measurement System. These deficiencies have caused many jurisdictions' diversion rates to fluctuate (and in some cases, the fluctuations were several orders of magnitude) from year to year despite program enhancements. This fluctuation is especially evident in Los Angeles County which hosts 89 jurisdictions, a diverse geography and economy, and the most complex solid waste management system in the nation. The System's faulty nature was acknowledged in a comprehensive report prepared by the California Integrated Waste Management Board and forwarded to the Legislature in 2002 entitled, "A Comprehensive Analysis of the Integrated Waste Management Act Diversion Rate Measurement System." Ultimately, the Report determined that there is no clear nexus between the current diversion rate measurement system and its ability to accurately determine a jurisdiction's compliance with the 50 percent waste reduction mandate. As of date, the primary legislative recommendations contained within the Report have yet to be enacted.

We are concerned that if the State continues to view the diversion rate measurement system as an absolute determination of a jurisdiction's compliance with AB 939 without viewing it as an indicator of the effectiveness of jurisdiction's program, SB 1020 will set up jurisdictions to fail. We believe that for meaningful waste reduction to occur, jurisdictions should be measured on the basis of their program implementation as identified in the California Integrated Waste Management Board's approved Source Reduction and Recycling Element (or other programs mutually agreed upon by the jurisdiction and the Waste Board).

Second, local governments across the State have invested millions of dollars in recycling infrastructure, the development and implementation of waste reduction programs, and the

mathematical accounting and documentation required to meet the current 50 percent mandate. After 17 years, most California jurisdictions have not only implemented the more cost-effective, higher-return programs, but also a variety of feasible niche programs (in fact, 1/3 of all diversion activities in the State occur within Los Angeles County). Thus, subsequent diversion increases will require major investments in new programs and more radical changes to the solid waste management system in California. However, without SB 1020 providing the financial and technical resources needed to achieve this higher diversion mandate, we are also concerned that jurisdictions will again be set up for failure since many are facing significant budgetary constraints.

It must be emphasized that the Task Force has a long track record in supporting initiatives that not only reduce the amount of waste disposed in landfills, but also improve the quality of life for all residents. We are ready to work with the Legislature to constructively address the challenges of solid waste management, and offer the following practical solutions as options for achieving the stated intent of this Bill:

- Provide full diversion credit and establish a level playing field for conversion technologies. Conversion technologies are state-of-the-art technologies capable of converting residual solid waste (waste that remains after all recyclables have been removed) into marketable products, including renewable clean energy. The California Integrated Waste Management Board has identified over 140 of these facilities operating in Europe and Asia. The City of Los Angeles' recently adopted RENEW LA Plan and the State's Bioenergy Action Plan and Climate Action Team Final Report all call for the development of these technologies in order to meet local and Statewide waste management, renewable energy, and climate action goals. The RENEW LA Plan calls for an aggressive program that will develop conversion technology facilities and dramatically reduce the need for landfill disposal. For example, the City's Mayor Antonio Villaraigosa has established a goal to develop a full-scale conversion technology facility by 2010. Providing full diversion credit will not only accelerate the research and development of conversion technologies without any direct governmental funding, but will ultimately reduce the amount of waste disposed at our landfills.
- Reform the State's mathematically-oriented Diversion Rate Measurement System to a program-based measurement system to fairly assess whether a jurisdiction's level of program implementation is adequate and appropriate.
- Place more emphasis on producer responsibility which is critical to sustaining the current and anticipated level of diversion activities. This principle is aimed at ensuring that businesses who place products on the market take responsibility for those products once they have reached the end of their life. We believe that the greatest waste reduction gains can be achieved in the future by requiring manufactures to take responsibility for their products and implement sustainable recovery programs.

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- Improve and enhance the State's recycling market development efforts. As more markets are created, the diversion of materials will increase proportionately.
- Conduct a cost/benefit and feasibility analysis of an increased diversion mandate, in conjunction with all affected stakeholders, and make a determination that the proposed increase in the diversion rate is justified.

We stand ready to assist the Legislature in this endeavor and are confident this will result in a greater level of diversion and resource management for the State as a whole.

Therefore, the Task Force **strongly opposes** AB 1020. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,

Margaret Clark

Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Council Member, City of Rosemead

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cc: Senate President Pro Tem Don Perata
Assembly Speaker Fabian Nuñez
Each Member of the Senate Environmental Quality Committee
Each Member of the Los Angeles County Legislative Delegation
California Integrated Waste Management Board
Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor in the County of Los Angeles
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Southern California Association of Governments
San Gabriel Valley Council of Governments
Solid Waste Association of North America
South Bay Cities Council of Governments
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each City Recycling Coordinator in Los Angeles County