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LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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April 29, 2020

TO: All City Mayors, City Council Members, and City Managers in Los Angeles County

**SUPPORT – SENATE BILL 1191 (DAHLE) AS AMENDED ON MARCH 23, 2020 –
ORGANIC WASTE: REDUCTION GOALS: LOCAL JURISDICTIONS**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) strongly urges your city to send a letter of **support** in favor of Senate Bill 1191 (SB 1191), as amended on March 23, 2020, for significant clarifications on California local jurisdiction's "good faith efforts" in determining compliance with Senate Bill 1383 (Chapter 395 of the 2016 Statutes, SB 1383), or the lack there of, and significant penalties.

If enacted, the proposed legislation would require the California Department of Resources Recycling and Recovery (CalRecycle), in determining whether or not to issue a compliance order or impose a penalty on a local jurisdiction pursuant to SB 1383's organic waste landfill disposal reduction requirements or in determining the amount of any penalties imposed pursuant to SB 1383 implementing regulations, to consider specified information, including (a) whether a local jurisdiction has made a "good faith effort" to implement its organic waste landfill disposal reduction program, and (b) whether any of the specified factors affected the local jurisdiction's ability to implement its organic waste reduction program or otherwise comply with those-regulations.

Additionally, this bill would require CalRecycle, upon request by a local jurisdiction, to issue a waiver from a requirement imposed pursuant to said regulations to separate and recover food waste and food-soiled paper for all or part of the local jurisdiction where there are or could be public safety issues associated with food waste collection as a result of nearby bear populations. The bill would establish an alternative organic waste management program that a local jurisdiction may comply with instead of those regulations until specified dates.

The Task Force supports the proposed legislation because the bill furthers the Task Force's position that the "good faith effort" identified in Section 42652.5. (a) (4) of the Public Resources Code (PRC) is required to be utilized in CalRecycle's evaluating of jurisdictional compliance with SB 1383's organic waste reduction requirements. Additionally, PRC Section 42652.5. (a) (4), which was formulated and incorporated by SB 1383 into state law, requires CalRecycle to consider "good faith effort" in determining a

jurisdiction's progress in complying with the law. Specifically, Section 42652.5 (a) (4) states that CalRecycle "***shall base its determination of progress on relevant factors, including, but not limited to, reviews conducted pursuant to Section 41825***" (emphasis added). Since PRC Section 41825 establishes the process to determine whether a jurisdiction has made a "good faith effort" to comply with the law, it is clear that CalRecycle is required to consider "good faith effort" in making its determination of a jurisdiction's compliance. However, considering that SB 1383's implementing regulations drafted by CalRecycle do not include "good faith effort" in evaluating jurisdictional compliance, the Task Force strongly supports the legislation's further clarifications on this matter (emphasis added).

In addition, there have been significant internal and external factors such as the lack of investment of state resources in developing sufficient organic waste recycling infrastructure and now the COVID-19 pandemic that are significantly and negatively impacting local jurisdictions' ability to comply with the organic waste landfill disposal reduction mandates.

The COVID-19 pandemic has also negatively impacted both the legislative process, as well as revenues and budgets. At present SB 1191 sits in the Senate Environmental Quality Committee pending prioritization. Initial legislative guidance is that only priority bills, that is, bills related to COVID-19 and other key bills, will be heard when the legislature reconvenes after the COVID-19 threat subsides.

Considering the significant impact of the COVID-19 pandemic and the critical importance of a jurisdiction's "good faith effort" being considered by CalRecycle when evaluating its compliance with the SB 1383 regulatory mandates, we strongly urge each jurisdiction to send a letter of support for SB 1191 to the Senate Environmental Quality Committee so that SB 1191 is recognized and passed as a priority bill.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 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 the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated and cost-effective and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

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Based on the foregoing, the Task Force strongly urges your city to **support** SB 1191 as amended on March 23, 2020. Enclosed for your consideration is a sample letter you may wish to use in expressing your City's support for SB 1191.

If you have any questions, please contact Mr. Mike Mohajer, a member of the Task Force, at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,



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

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Enc:

cc: California State Association of Counties
League of California Cities – Los Angeles County Division
Each Member of the Los Angeles County Board of Supervisors
Sachi A. Hamai, Los Angeles County Chief Executive Officer
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
Westside Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Solid Waste Management
Committee/Integrated Waste Management Task Force

SB 1191 SAMPLE LETTER

[DATE]

The Honorable Senator Benjamin Allen, Chair
Senate Committee on Environmental Quality
State Capitol, Room 2205
Sacramento, CA 95814

Re: SB 1191 (Dahle) – Organic waste: reduction goals: jurisdictions - SUPPORT

Dear Senator Allen:

The City of _____ joins the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) in support of Senate Bill 1191 (SB 1191), as amended on March 23, 2020.

If enacted, the proposed legislation would require, among other things, the California Department of Resources Recycling and Recovery (CalRecycle), in determining whether or not to issue a compliance order or impose a penalty on a local jurisdiction pursuant to Senate Bill 1383's (SB 1383, Chapter 395 of the 2016 Statutes) organic waste reduction requirements or in determining the amount of any penalties imposed pursuant to SB 1383 implementing regulations, to consider specified information, including (a) whether a local jurisdiction has made a good faith effort to implement its organic waste reduction program, and (b) whether any of the specified factors affected the local jurisdiction's ability to implement its organic waste reduction program or otherwise comply with these regulations.

As stipulated by SB 1383, Public Resources Code (PRC) Sections 42652.5 and 41825 establish the process to determine whether a jurisdiction has made a "good faith effort" to comply with the waste reduction requirements of state law, CalRecycle needs to consider "good faith effort" in making its determination of a jurisdiction's compliance. However, considering that the SB 1383's implementing regulations drafted by CalRecycle do not include "good faith effort" in evaluating jurisdictional compliance, we strongly support the legislation's further clarification on this matter (emphasis added).

In these unprecedented times, local governments have stepped up to do their part in helping prevent the spread of the virus and save lives while maintaining essential services. We need flexibility in making decisions and allocating limited resources and this Bill will help us do that.

The City of _____ strongly **supports** SB 1191. Furthermore, we urge the legislature to consider it as a **priority bill** because it addresses significant concerns of local jurisdictions related to the COVID-19 pandemic and must be heard as soon as the legislature reconvenes.

Respectfully,

[NAME]

[Title, Affiliation]

cc: The Honorable Brian Dahle, California State Senator
Senate Environmental Quality Committee Members
Los Angeles County Solid Waste Management Committee/Integrated
Waste Management Task Force