



GAIL FARBER, CHAIR
MARGARET CLARK, VICE-CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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April 20, 2011

The Honorable Joe Simitian
Chair, Senate Environmental Quality Committee
State Capitol Room 2205
Sacramento, CA 94248-0001

Dear Senator Simitian:

**SENATE BILL 833 (INTRODUCED FEBRUARY 18, 2011)
SOLID WASTE: FACILITIES PERMIT**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **opposes** Senate Bill 833 (SB 833). This bill would prohibit an enforcement agency from issuing a solid waste facility permit (SWFP), on or after January 1, 2012, if that permit would allow the disposal of solid waste in close proximity to a river/aquifer, or a site considered sacred by a federally recognized Indian tribe.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [1989], 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 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, 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.

SB 833, if enacted, would prohibit an enforcement agency from issuing a SWFP, on or after January 1, 2012, if that permit would allow the disposal of solid waste within 500 feet of a river or aquifer that provides drinking water for more than 50,000 persons, or within 1,000 feet of a site considered to be sacred and of spiritual importance to a federally recognized Indian tribe. Given the language used in the bill the Task Force is concerned for the following reasons:

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- 1) The conditions established for prohibiting a local enforcement agency from issuing a SWFP are not adequately defined. For example, there would be substantial opportunity for interpretation regarding how the distance to a river from a disposal facility would be measured, how "river" or "aquifer" would be defined, and how tribes might identify land as being "sacred and of spiritual importance."
- 2) The bill does not contain an exemption provisions for landfills that must routinely be reissued SWFPs for continued operation. AB 939 requires each County to address the need for 15 years of solid waste disposal capacity to safely handle solid waste generated in the county which cannot be reduced, recycled, or composted. It is important to recognize that landfills are necessary components of any integrated solid waste management system. By providing no mechanism for the Local Enforcement Agency to provide case by case exemptions in extraordinary circumstances to assure adequate disposal capacity is available, SB 833 represents a significant potential threat to the health and safety of the 38 million residents of the State of California.
- 3) The bill appears to be an attempt to obstruct the development of a particular landfill within the State. The Task force supports the continued authority of local governments to approve or disapprove the development of facilities through existing land use permitting authority, rather than the adoption of custom-tailored legislation which may have significant unintended consequences throughout the State.

For these reasons the Task Force **opposes** SB 833. Should you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,

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

MS:

cc: Each Member of the Senate Environmental Quality Committee
Senator Vargas
Assembly Member Hueso
Each Member of the Los Angeles County Legislative Delegation

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Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor in the County of Los Angeles
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each City Recycling Coordinator in Los Angeles County