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CALIFORNIA CHAPTERS

FOUNDING

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LEGISLATIVE TASK FORCE

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**MINUTES OF SWANA CALIFORNIA
LEGISLATIVE TASK FORCE MEETING, SACRAMENTO**

September 2, 2010

By: Mark Urquhart, Secretary

The Legislative Task Force (LTF) meeting started at about 10:00 AM. A quorum was present as there were 12 voting members present, including at least one voting member from each chapter. The agenda is Attachment A. A sign-in list of the attendees is Attachment B. The items from the agenda below were not all discussed in the order listed.

I. BUSINESS ITEMS AND LTF ACTIVITIES

Approval of Minutes from August 5, 2010 LTF Meeting

William Merry asked for comments on these minutes. Mark Urquhart discussed that the revisions to the minutes received by email from Mike Mohajer and Glenn Acosta would be included in the minutes.

Motion:

A motion was made by Mike Mohajer; seconded by John Gullede to approve the minutes from the August 5, 2010 meeting; provided that edits provided from Glenn Acosta and Mike Mohajer are made. The motion carried; all in favor.

Treasurer's Update

Nancy Ewert said that she would present the August report at the next meeting. She discussed that she had received a check for \$7,900 from the Western Regional Symposium, which is about \$400 above the budget for that item. She said she expects a small dip into reserves but the LTF fund overall is good.

Next Meeting Date

The next telephone meeting will be on October 7, 2010, from 10:00 AM to noon.

Other

Discussion with Mark Leary, CalRecycle, Re: New Landfill Fee

Mark Leary, from CalRecycle (CR), participated in the meeting as a guest speaker. Mark Leary discussed that CR has had authority to assess a fee relative to financial assurance review for landfills. In the past tip fee revenues were adequate. However, with the recent drop in revenues from tip fees Mark Leary said that workload has actually increased in this area due to new financial assurance detail requirements. CR is down 40 to 50 positions in IWMA staffing, reducing down to cover core functions. There will be workshops coming up on the financial assurance fee issue. CR is proposing

proportionate fees on landfills; \$5,000 to \$15,000 annually. He said they felt that a tip fee increase is not appropriate as it would not cover closed landfills.

Questions from the LTF included that \$15,000 times 5 for review every five years for \$60,000, which seems high for financial assurance review. Mark Leary said he understood the question and it will be addressed in some detail at the upcoming workshop. Mark Leary said that CR staff is walking away from many programs outside of the core functions and is withdrawing from some programs. He said there have been many items added to CR responsibility over the years. It was asked if there is any thought to a sunset for the proposed fee if economy recovers and tip fee revenues increase to previous levels. Mark Leary said that has not been brought up but he would be open to that. It was brought up that staff overseeing diversion have become even stricter regarding numbers counting even though AB1016 was supposed to reduce counting, particularly for jurisdictions that are in compliance. Mark Leary said he was disappointed to hear that and would welcome feedback on that issue. It was also brought up that additional financial assurance compliance from stricter standards than in Title 27 (seismic for example) generate not only significant cost for operators but then also for CR review; and the strictness of the regulations need to be reconsidered.

William Merry said the LTF would send an email regarding these issues to Mark Leary.

SWANA LTF Legislative Sponsorship Ability

Tressa Wallace discussed that this was planned at the last LTF meeting to be brought up to the Chapters. John Gullledge said he reviewed with Board Founding Chapter and the informal opinion (not a vote) is that MOU does not provide for this and the idea would be opposed. Mark Urquhart noted that this could be a fatal flaw as if one Chapter does not agree with the concept then the level of consensus needed for such a level as to get behind a bill would be lacking. Jim Babcock said that the Central Chapter did not have quorum but he could bring up at next meeting. William Merry said that he would bring it up at the next Gold Rush Chapter meeting.

II. REVIEW OF 2010 LEGISLATION

Tressa Wallace discussed that it would be the last day of session tomorrow and there is a lot of activity. Tressa Wallace discussed that the governor has until September 30 to sign or veto bills. If he does not veto or sign the bill it would become law. The budget discussions are ongoing.

AB 737 (Chesbro) Solid waste: diversion – Remove Opposition

http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0701-0750/ab_737_bill_20100820_amended_sen_v92.pdf

Tressa Wallace discussed that amendments to the bill are happening. The Chamber of Commerce is still opposed and therefore governor might oppose since he is sensitive to business. The League of Cities is in support. The LTF has removed opposition but is not in support. The bill passed and is on way to governor. It was also noted that if Proposition 23 passes mandatory commercial recycling would be on hold for five years; which would supersede this in bills that pass.

AB 222 (Adams) Gut and amend – no longer issue of concern for SWANA

http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0201-0250/ab_222_bill_20100820_amended_sen_v93.pdf

It was noted the bill was gutted and no longer an issue with the LTF.

AB 1858 (Blumenfield) Hypodermic needles and syringes: exchange services – Support if Amended – To enrollment

http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1851-1900/ab_1858_bill_20100818_amended_sen_v94.pdf

This bill has passed and was sent to governor.

AB 1998 (Brownley) Single-use carry-out bags – Watch – To Senate Rules

http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1951-2000/ab_1998_bill_20100827_amended_sen_v94.pdf

This bill failed. Tressa Wallace said governor wants to see the plastic bag issue still undertaken; but it is not clear how this would happen. The American Plastics Council led opposition. The Republicans and a few Democrats removed themselves from the floor into caucus, which shut down the floor to kill this bill. Even though the governor has expressed interest, a bill could only happen as an urgency measure, which is unlikely given Republican opposition.

AB 2398 (Perez) Product stewardship: carpet – Support – To Senate Rules

http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_2351-2400/ab_2398_bill_20100827_amended_sen_v93.pdf

This bill passed and is on the way to the governor.

SB 722 (Simitain) Utilities: renewable energy resources – Passed Assembly Utilities and Commerce – **To Assembly Rules**

http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0701-0750/sb_722_bill_20100820_amended_asm_v91.pdf

This bill got held in the Rules Committee and did not pass.

SB 1029 (Yee) Hypodermic needles and syringes – Support if Amended – **To Senate**

http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_1001-1050/sb_1029_bill_20100623_amended_asm_v96.pdf

This bill passed to the Governor's office but did not include provisions based on LTF concerns.

SB 1326 (Oropeza) Solid waste: tires – Assembly Appropriations hearing postponed

http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_1301-1350/sb_1326_bill_20100623_amended_asm_v96.pdf

This bill did not move out of appropriations.

SB 1100 (Corbett) Product Stewardship: batteries – Support – **Held in Assembly Appropriations**

http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_1051-1100/sb_1100_bill_20100615_amended_asm_v96.pdf

Referred back to rules and did not pass to the governor.

Proposition 26

MB mentioned that he believes Prop 26 would recategorize environmental and some other special fees and they would be categorized as a tax and subject to 2/3 majority citizen vote. This would appear to produce a layer on top of Prop 218 and other state law. Tressa Wallace said she could send out analysis of the proposition to the LTF. It was decided that this would be discussed on the next LTF call.

It was also discussed that Prop 23 would be on agenda for next call.

Workplan

William Merry asked if a Lisa Wood and Nancy Ewert would be able for perform word-smithing of workplan prior to the next LTF meeting.

III REGULATORY MATTERS

CalRecycle – Landfill Financial Assurances (FA)

Glenn Acosta discussed that what was in minutes from the previous meeting has take place at the workshop. HE discussed a number of issues including that CR staff wants the MCE earthquake event for Class III landfills, which is above state standards in Title 27 CCR. He said an LASAN hired consultant presented to CR methods over various industries regarding earthquake design standards. Other designed facilities that even include loss of life issues are less than the MCE standard. Glenn Acosta will circulate a coalition letter regarding the seismic issue as it involved the most cost to operators within the new FA regulations.

It was described that the new stricter FA requirements and regular 5-year updates or permit revisions involve three main elements (JTD update, proactive monitoring program, Non-water quality Corrective Action Plan). It was discussed that there have not been catastrophic failures in CA and therefore the need for the stricter standards need to be questioned.

It was decided that an email would be sent to Ted Rough and cc'd to Mark Leary on the issue of FA and regulatory concerns. It will be circulated to LTF for review.

CalRecycle – Jurisdiction Review Tool

Tressa Wallace said she drafted the letter with input from Nancy Ewert and others. Nancy Ewert said streamlining the Los Angeles County letter provided by Mike Mohajer was a good approach. She said that when she contacting CR they denied what was in the CR newsletter (Jurisdictional update May 2010). Nancy Ewert said she thinks that idealistic staff moved ahead with those methods in an underground fashion. Nancy Ewert said she told CR staff that they need to rescind the newsletter as they admitted it was in error. She said that she believes the Los Angeles County letter hit a sensitive chord with staff and the LTF needs to send a letter regarding this issue.

CARB Cap and Trade - update

CH prior to leaving call said she had provided update (Attachment C) on the issue and LTF could contact her with questions.

IV ADJOURNMENT

The meeting was adjourned about 11:52 AM.

SWANA LTF AGENDA

Call in number 1-800-867-2581 access code 1006105

THURSDAY, September 2nd 10:00 P.M. – 12:00 P.M.

I. Business Items

- Next Meeting Date – October 7
- Approval of Minutes (attached)
- Treasurer's Update
- Other
 - Discussion with Mark Leary, CalRecycle, regarding possible new fee on active and non-active landfills – 15 mins
 - SWANA LTF legislation sponsorship – Can the LTF sponsor legislation?
 1. Jim, Mark and John (from last meeting)

II. Legislative Matters (Bill Matrix attached)

AB 222 (Adams) Gut and amend – no longer issue of concern for SWANA

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III. Regulatory Matters

- CalRecycle – JRT – comment letter by LTF (Tressa and Nancy)
- CalRecycle – Financial Assurance - Glenn
- ARB Cap and Trade - update

ATTENDANCE LIST
SWANA LEGISLATIVE TASK FORCE TELEPHONE MEETING SEPTEMBER 2, 2010

| VOTING MEMBER CHAPTER | NAME | ORGANIZATION | PHONE | EMAIL |
|---|-----------------------|--|-----------------------------------|--|
| VM/Gold Rush | Mark Urquhart (S) | HDR Engineering, Inc. | 916-817-4933 | mark.urquhart@hdrinc.com |
| VM/Gold Rush | Christina Hanson | Placer County | 530-886-4965 | CHanson@placer.ca.gov |
| Gold Rush | Allison Hudson | San Joaquin County | 209-468-3066 | |
| VM/Gold Rush | William Merry (Ch) | Monterey RWMD | 831-384-5313 | wmerry@mrwmd.org |
| VM/Gold Rush | Larry Sweetser | Sweetser and Associates/ESJPA | 510-703-0898 | sweetser@aol.com |
| VM/Gold Rush | Mark Bowers | City of Sunnyvale | 408- 730-7421 | mbowers@ci.sunnyvale.ca.us |
| Gold Rush | Jami Aggers | Stanislaus County | | |
| VM/Founding | Lisa Wood (VC) | City of San Diego | 858-573-1236 | lfwood@sandiego.gov |
| VM/Founding | Mike Mohajer | Southern California Waste Management Forum | 909-592-1147 | mikemohajer@yahoo.com |
| VM/Founding | Glenn Acosta | LA County Sanitation Districts | 562-699-7411 | gacosta@lacsds.org |
| Founding | Sharon Green | LA County Sanitation Districts | 562-699-7411 | sgreen@lacsds.org |
| VM/Founding | John Gullledge | LA County Sanitation Districts | 562-699-7411 ext 2401 | jgullledge@lacsds.org |
| Founding | Rogelio Gamino | County of Los Angeles | | |
| VM/Sierra | Nancy Ewert (T) | Kern County | 661-862-8933 | nancye@co.kern.ca.us |
| VM/Sierra | Rod Andrews | Merced County DPW Solid Waste Division | 209-385-7388 | randrews@co.merced.ca.us |
| VM/Sierra | Jim Babcock | Malcolm Pirnie, Inc. | 510-301-5063 | jbabcock@pirnie.com |
| <i>SWANA LTF Legislative Advocate</i> | <i>Tressa Wallace</i> | <i>Shaw / Yoder / Antwih, Inc.</i> | <i>916-446-4656 Ext. 1025</i> | Tressa@shawyoderantwih.com |

VM= Voting Member

Ch = Chair

VC = Vice Chair

T = Treasurer

S = Secretary

Here is a brief recap of the program and its status, as of the latest workshop presentations:

Recent Activity

- June 22 – Public Workshop: Cost Containment and Offsets
- July 30 - Public Workshop: Sector-Based Crediting and Reducing Emissions from Deforestation and Degradation
- August 23 – CEQA Scoping Meeting

Recap of Cap & Trade Program

- The regulation and protocols for offsets will be considered by the Board in late 2010
- Program establishes a limit on covered emissions starting in 2012
 - Starting in 2012, covers large industrial sources and electricity delivered to California grid
 - Starting in 2015, covers emissions from transportation fuels, natural gas and propane
- Emission reductions are required, the limit declines over time
- Trading and offsets provide compliance flexibility to covered sources

Recap of Compliance Mechanisms

- Compliance instruments include:
 - Tradable ‘allowances’, issued by CARB, equal to the annual emissions limit
 - Offsets issued by CARB (issued for emission reductions from sources *outside* of the cap-and-trade program)
 - Allowances and offsets from linked programs, e.g., Western Climate Initiative
 - Supply of compliance instruments declines over time
- Compliance instruments can be traded
 - Those with lowest cost reduction opportunities can reduce emissions and sell credits to those who need them

Protocols

- ARB staff plan to incorporate provisions in the cap-and-trade regulation that would allow multiple methods to be used to make offset credits available following Board approval of specific protocols or programs.
- To develop the approach to issuing compliance-eligible offset credits based on specific protocols, ARB staff is (as of June 22 workshop):
 - Planning to acknowledge third party offset programs
 - Proposing to recognize emission reductions from existing CAR projects under the four protocols:
 - Livestock Digester
 - Ozone Depleting Substances
 - Urban Forests
 - Forest Projects
 - Proposing to review and adopt additional protocols

Linked Programs

- CARB is working with WCI to develop regional program
- Linkage will have to be approved by CARB; regulations will have to then be revised
- Potential to include linkage in the regulation sometime in 2011

Next Steps: CEQA Process

- Preparing Functionally Equivalent Document (FED) to include:
 - Direct and Indirect Impacts
 - Cumulative Impacts
 - Alternatives
 - No Project
 - Cap-and-Trade and Offset Design Options
 - Command & Control Regulations Only
 - Carbon Fee
 - Cap-and-Trade Linked with a Federal Cap and Trade Program
- CARB invites stakeholder discussion and feedback
 - Stakeholders are asked to provide written comments specific to the development for the FED to ARB by September 10, 2010
(<http://www.arb.ca.gov/cc/capandtrade/comments.htm>)

Additional Information

- CARB presentation August 23 (CEQA Scoping Meeting):
http://www.arb.ca.gov/cc/capandtrade/meetings/082310/fed_slides.pdf
- More info on program: <http://www.arb.ca.gov/cc/capandtrade/capandtrade.htm>
- Preliminary draft regulations: <http://www.arb.ca.gov/cc/capandtrade/meetings/121409/pdr.pdf>

I wasn't able to attend the most recent workshops, but will be glad to research any questions from the group.

Christina Hanson

Senior Planner

Placer County | Environmental Engineering