

SWANA CALIFORNIA CHAPTERS LEGISLATIVE TASK FORCE (LTF) 2013 WORK PLAN

At its annual workshop in November 2012 the Legislative Task Force identified the following issues as top priorities for 2013:

- Impacts Associated with AB 341 / Reduced Disposal
 - Local Government Budgets
 - Development of California Markets
 - Organics
- Extended Producer Responsibility / Product Stewardship / Lifecycle Issues
- Water Board Regulations
 - Industrial NPDES
 - General WDRs
 - Composting
- AB 32 Impacts / Air Board Regulation and Definitions / Green Energy Credit
- Potential State Fee Increases and Proposed Uses Thereof
- Conversion Technologies
- Illegal Dumping
- ADC Diversion
- Closure and Post Closure / Correction Action
- Changes to the Bottle Bill
- Communication / Relationship with Regulatory Agencies.
- MRF Efficiency
- OEHHA California Communities Environmental Health Screening Tool

The 2013 Work Plan encompasses four major areas of effort and will guide the activities of the LTF and its Legislative Advocate during the 2013 calendar year.

Mission Statement:

To represent local government interests and the three California Chapters' membership in developing and advocating environmentally and technically sound, economical, solid waste public policy at the most appropriate governmental level.

I. REGULATORY

- A. **Goal:** Ensure, through active participation in the development and review process, reasonable regulations that assure economic feasibility and protection of health, safety, and the environment.
- B. **Objective:** Proactively participate in regulatory developments involving solid waste issues; review and provide comments to appropriate regulatory agencies; leverage with partner associations, local agencies, and industry in support of the LTF position.
- C. **Action items.** Monitor / take appropriate action:
 1. To promote meaningful stakeholder input in the development of plans, policies, and regulations.
 2. To ensure that regulations stemming from CalRecycle's "75% Recycling" plan are consistent with the SWANA LTF White Paper.
 3. To protect local government authority and prevent undue financial impacts on local governments, including impacts to local government resulting from the Disposal Reporting

System, Mandatory Commercial Recycling, or from other reporting or enforcement requirements.

4. To promote and support lifecycle analysis for existing, new, and expanded regulations by:
 - Opposing proposals that fail to provide a thorough lifecycle and economic analysis.
 - Encouraging a consideration of global economic and environmental impacts.
 - Realistically assessing the availability of current and future markets for beneficial use of solid waste materials.
 - Request that CalRecycle finalize the 2009 Draft Report titled, “Life Cycle Assessment and Economic Analysis of Organic Waste Management and Greenhouse Gas Reduction Options”.
5. To promote the hierarchy, including source reduction, with a goal NOT to recycle more, but to landfill less and to consider all impacts associated with consumption.
6. To update and modify CalRecycle Strategic Directive (SD) SD 6 to encourage an increased focus on California market development.
7. To support the development of conversion technology by:
 - Opposing regulations that treat these facilities as disposal facilities.
 - Promoting realistic requirements for front end recovery of recyclable materials.
 - Supporting economic and environmental comparisons that are fair and objective.
8. To support the requirement for a basic level of training of landfill managers and inspectors. To promote joint training opportunities, and maintain a certification program.
9. To promote streamlining by eliminating non-essential programs and minimizing redundant regulations.
10. To promote limits on agency review periods and the ability to appeal an agency’s decisions.
11. To ensure that State Water Board requirements, including requirements associated with storm water and ground water, and Waste Discharge Requirements, are necessary, feasible and cost-effective.
12. To ensure that CARB and other GHG regulations including those stipulated by AB 32 consider lifecycle factors.
13. To eliminate barriers for energy recovery from MSW including Renewable Portfolio Standards, interconnection fees, and local air district requirements.
14. To encourage effective management approaches, such as extended producer responsibility, for e-waste / universal / medical / pharmaceutical / household hazardous waste / carpet / paint / mattresses / sharps / and other items.
15. To encourage effective management of organic material, for example by:
 - Promoting consistent definitions and a distinction regarding “compostable” versus “non-compostable” organic materials,
 - Basing regulations on threats identified by credible studies,
 - Promoting enforcement of existing Alternative Daily Cover (ADC) regulations instead of regulations that restricts the use of ADC.
16. To identify appropriate uses for Materials Recovery Facility fines and residuals.
17. To promote the positions papers developed by SWANA National.
18. To promote an effective Bottle Bill.
19. To promote CEQA reform.
20. To promote sustainable development through the Green Building Code and other State regulations.
21. To promote Green Chemistry initiatives.

II. LEGISLATIVE

- A. Goal:** Review, comment on, and influence proposed legislation addressing solid waste issues and pursue/support legislation supportive of the LTF Mission Statement. Work with various organizations to reverse the “End of the Pipe” paradigm, i.e., work towards solutions that focus much more on solid

waste prevention and beneficial reuse.

B. Objectives: Identify legislation of interest; provide comments to key legislators and staff on high priority bills; leverage with partner associations, local agencies and industry support of LTF positions on priority bills; develop alerts to all SWANA members and local agencies as appropriate; develop and submit LTF letters to Governor as appropriate.

C. Action Items: Monitor / take appropriate action:

1. To provide meaningful technical input in the development of bills.
2. To protect local government authority and prevent undue loss of authority or financial impacts on local government, especially with respect to the existing LEA system, Disposal Reporting System, Mandatory Commercial Recycling, or from other reporting or enforcement requirements.
3. To oppose banning materials from landfill disposal or transformation/conversion technology facilities without first:
 - a. Conducting scientific studies that show a danger to public health or environment, and
 - b. Developing a plan for realistic and cost-effective ways to remove the material from the waste stream. “Don’t Ban Without a Plan.”
4. On changes to what is required for Siting Element conformance.
5. To promote and support lifecycle analysis for existing, new, and expanded laws by:
 - Opposing proposals that fail to provide a thorough lifecycle and economic analysis.
 - Encouraging a consideration of global economic and environmental impacts.
 - Realistically assessing the availability of current and future markets for beneficial use of solid waste materials.
6. To promote the hierarchy, including source reduction, with a goal NOT to recycle more, but to landfill less and to consider all impacts associated with consumption.
7. To support increases in waste reduction mandates only when based on lifecycle environmental benefits, identified cost, infrastructure capabilities using strategies that place the responsibility less on local governments and more on the manufacturing and retail sectors.
8. To make the Bottle Bill more effective and ensure the effectiveness of any new Advanced Disposal Fees.
9. To support product stewardship and increased manufacturer and retail responsibility especially with respect to materials that are difficult to recycle and/or hazardous waste and/or banned from landfills. “You Make It, You Take It.”
10. To support market development, including
 - increased recycled content, considering quality and cost criteria,
 - extending sunset date of RMDZ program and the use of RMDZ funds to promote new and expanded markets, including conversion technologies, and
 - market-based incentives to increase the use of rubberized asphalt.
11. To support legislation that would promote through economic, regulatory and/or other incentive processes the development of in-California manufacturing facilities using materials recovered through recycling activities.
12. To oppose State fee surcharges unless they are based on reasonable costs, do not promote illegal dumping or cause undue financial burden to local government.
13. To support diversion credit for conversion technologies and the removal of obstacles for conversion technology development, and to support incentives for bioreactors and conversion technologies.
14. To encourage the use of energy resources in the waste stream, for example, by
 - supporting diversion credit for conversion technologies,
 - removing obstacles to conversion technology development,

- providing incentives including tax credits for bioreactors and conversion technologies.
15. To support legislation that would make state agencies and schools subject to the provisions and mandates of AB 939, including removal of “subject to funding limitations,” purchase of recycled content products, and the imposition of fines for noncompliance.
 16. To support definitions that clearly describe what is meant by “organics,” makes a distinction between compostable and non-compostable organics, and that promote integration of conversion technologies into the solid waste hierarchy.
 17. To support continued ability to use materials beneficially within facilities.
 18. To discourage illegal dumping and also discourage the theft of materials for recycling.
 19. To oppose legislation mandating that all waste must pass through MRFs.
 20. On opportunities to improve the planning and operational constraints of hauler five year continuation rights. To support legislation to include local government in the definition of solid waste enterprise.
 21. To support legislation, as appropriate, to encourage the construction of “green buildings.” To encourage the development of uniform statewide standards.
 22. On legislation to clarify the application of Proposition 218 and 26 (2010) to solid waste service fees.

III. OUTREACH AND AWARENESS

A. Goal: Increase awareness of legislative and regulatory issues within SWANA’s membership, and enhance the ability and effectiveness of the LTF to influence the legislature, regulatory agencies, and other associations in support of the LTF Mission Statement and adopted positions.

B. Objectives/Actions Items:

1. Enhance influence of SWANA with Legislature and regulatory agencies, and encourage them to consider the global impacts of their actions.
 - a. Establish and maintain contacts with key legislators, their staff, CalEPA, Natural Resources Agency, Department of Resources Recycling and Recovery, SWRCB Board members and staff, CARB Board members and staff, DTSC staff, DOC, Department of Health, and other relevant state agencies and departments and other officials. Furnish information as appropriate.
 - b. Encourage local members’ involvement with regional agencies.
 - c. Prepare and disseminate profile of SWANA and LTF white papers.
2. Maintain and strengthen coalition building with associations with compatible goals and objectives such as:
 - a. California State Association of Counties
 - b. League of California Cities
 - c. Regional Council of Rural Counties / Environmental Services Joint Powers Authority
 - d. California Conference of Directors of Environmental Health
 - e. Local Enforcement Agencies
 - f. County Engineers Association of California
 - g. Private Haulers / Solid Waste Industry Group
 - h. Councils of Government
 - i. American Public Works Association
 - j. Environmental Organizations
 - k. Product Stewardship Organizations
 - l. Bio Energy Organizations
 - m. Build Infrastructure Now (BIN)
3. Inform SWANA membership of legislative, regulatory, planning, and judicial issues.
 - a. Send four newsletters to LTF members and interested parties.

- b. Send e-mail bulletins to all interested California SWANA members to inform them of important developments and seek support of SWANA membership on critical issues.
 - c. Provide updates at chapter meetings, and to the general membership.
 - d. Encourage SWANA membership to keep local government and special district officials aware of issues of greatest importance to SWANA.
4. Maintain LTF website.
 5. Promote awareness of Manager of Landfill Operations (MOLO program) and of other training opportunities provided by SWANA, including the Western Regional Symposium and SWANA National trainings such as WASTECON and others. To support the requirement for a basic level of training of landfill managers and inspectors. To promote joint training opportunities, and maintain a certification program.
 6. Enhance education and awareness of SWANA membership through presentation of a legislative and regulatory session at the Western Regional Symposium
 7. Support and promote policies developed by SWANA International, such as
 - T-31 Product Stewardship Policy,
 - T-32 Policy on Solid Waste Disposal Ban,
 - the “Pushing the Envelope” document,
 - Applied Research Documents / Conversion & Emerging Technologies.
 Monitor issues that emerge out of locality-specific situations. Identify potential statewide impacts and broadly disseminate information, and assist as necessary. Also, solicit input from all California members.
 8. Post on LTF website industry comment letters and coalition letters on which SWANA California Chapters are signatories.

IV. LOCAL CONTROL AND GOVERNMENT ORGANIZATION

A. Goal:

Promote control (and reorganization as necessary) of solid waste policy and operations, at the lowest governmental level possible. Emphasize:

- Effective, certified staffing for all aspects of solid waste management
- Cost-effectiveness
- Environmental soundness
- Maximum flexibility for optimized solutions

B. Objectives/Action Items:

1. Support legislation that would provide for local government stakeholder participation with State and regional agencies.
2. Monitor / take action on development of appeals processes.
3. Support efforts to eliminate overlap between the agencies and departments and oppose contradictory goals at State agencies.
4. Support legislation and/or regulations that provide local government with the authority and means to achieve and fund mandated activities.
5. Support efforts to provide local government with greater due process in any enforcement or other directed activity of any State agency.
6. Retain local authority to provide enforcement and designate LEAs.
7. Support equitable solutions to waste export issues and address the applicability of State tonnage fees on exported waste.
8. Monitor/take action to ensure that the OEHHA California Communities Environmental Health Screening Tool does not undermine local authority.