

SWANA LEGISLATIVE TASK FORCE

California Chapters

2014 WORK PLAN

November 2013

2013 IN REVIEW

Legislation and Regulations

At the annual workshop held in November 2013, the SWANA Legislative Task Force (LTF) discussed the significant regulatory and legislative activities that occurred over the past year relating to solid waste management, and how these

may serve as policy drivers in 2014. CalRecycle's "75 Percent Recycling Plan" and the California Air Resources Board's "Waste Sector Plan" were among the most significant initiatives this year that will likely drive policy in 2014.

MISSION STATEMENT:

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

2014 OUTLOOK

In 2014 the Legislature will likely introduce several bills related to solid waste management, including requiring the diversion of organic materials generated by large commercial sources away from landfills, eliminating diversion credits for green waste used as alternative daily cover, and portions of CalRecycle's 75 Percent Plan.

Purpose

•••

The Work Plan serves as a policy guide for the Legislative Task Force of the SWANA California Chapters when it considers taking positions on proposed legislation, performing advocacy, and conducting outreach.

2014 PRIORITIES

Policy Topics

•••

- Local Government Authority
- Development of Local Markets
- Organics Diversion
- Alternative Daily Cover
- Extended Producer Responsibility / Product Stewardship / Lifecycles Issues
- Conversion Technologies
- Landfill Issues
- Material Recovery Facility Performance
- Bottle Bill Changes
- State Agency Regulations: CARB, CalRecycle, Water Boards, OEHHA

LAWS AND REGULATIONS

GOAL:

Ensure, through active participation in the development and review process, reasonable laws and regulations that assure economic feasibility and protection of health, safety, and the environment.

OBJECTIVES:

Influence laws and regulation to be supportive of the LTF Mission Statement and White Papers. Work with agencies, legislators, and 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. Promote meaningful stakeholder input in the development of plans, policies, and regulations. Promote consideration of full life-cycle impacts associated with various solid waste management approaches. Promote the training and professionalism of the solid waste industry.

ACTION ITEMS:

1. Promote the positions papers developed by the LTF and SWANA National, and work with agencies to change plans such as CalRecycle’s “75% Recycling” and ARB’s Scoping Plan to be consistent with the SWANA positions papers.
2. Support legislation and regulations that provide economic incentives for development of in-California manufacturing facilities that use materials recovered through recycling activities.
3. Encourage CalRecycle to update and modify Strategic Directive 6 to have an increased focus on California market and infrastructure development especially with regard to 6.1 on organics management.
4. Encourage effective management approaches, such as extended producer responsibility, for e-waste / universal / medical / pharmaceutical / household hazardous waste / paint / carpet / mattresses / sharps / and other items.
5. Oppose unrealistic best efforts requirements and promote transparency of jurisdiction Integrated Waste Management Plan review.
6. Eliminate barriers for energy recovery from MSW including Renewable Portfolio Standards, interconnection fees, and local air district requirements.
7. Support diversion credit and incentives for conversion technologies. Support the development of conversion technology by:
 - Opposing laws and 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. Encourage life cycle analysis including a consideration of economics
 9. Encourage effective management of organic material, for example by:
 - Promoting consistent definitions and a distinction regarding “compostable” versus “non-compostable” organic materials,
 - Basing laws and regulations on threats identified by credible studies,
 - Encouraging market development
 - Allowing phased implementation
 - Providing financial assistance
 - Considering local conditions
 - Providing “Tools, not Rules”
 - Promoting enforcement of existing Alternative Daily Cover (ADC) regulations instead of establishing regulations that restricts the use of ADC.
 - Promoting integration of conversion technologies into the solid waste hierarchy.
 10. Support continued ability to use materials beneficially within solid waste facilities.
 11. Oppose banning materials from landfill disposal or transformation/conversion technology facilities without first:
 - Conducting scientific studies that show a danger to public health or environment, and
 - Developing a plan for realistic and cost-effective ways to remove and manage the banned material. “Don’t Ban Without a Plan.”
 12. Support recognition of the unique characteristics of solid waste facilities and promote reasonable storm water regulations.
 13. Promote the use of Siting Elements as a local planning tool.
 14. Promote appropriate uses for Materials Recovery Facility fines and residuals.
 15. Oppose legislation mandating that all waste must pass through MRFs.
 16. Support the requirement for a basic level of training of solid waste managers and inspectors. Promote joint training opportunities, and maintain a certification program.
 17. Support legislation to include local government in the definition of solid waste enterprise with regard to five year continuation rights.
 18. Promote a more effective and financial sustainable Bottle Bill.
 19. Ensure effectiveness and equitability of any new Advanced Disposal Fees.
 20. Oppose State fee surcharges unless they are based on reasonable and related costs and do not promote illegal dumping or cause undue financial burden to local government. Promote nondiscriminatory funding strategies.
-

21. Promote practices, policies, laws and regulations that discourage illegal dumping and also discourage the theft of materials for recycling.
22. Promote recognition that solid waste facilities are an essential part of the infrastructure for public health and safety and do not belong in the Cap and Trade system. Support Cap and Trade funding for solid waste practices that reduce greenhouse gas emissions.
23. Promote changes that CEQA streamlining.
24. Promote sustainable development through the Green Building Code and other State regulations.

LOCAL AUTHORITY AND GOVERNMENT ORGANIZATION

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

ACTION ITEMS:

1. Promote streamlining by eliminating non-essential programs and minimizing redundant regulations.
2. Promote limits on agency review periods and the ability to appeal an agency's decisions.
3. Promote State Water Board requirements, including requirements associated with storm water, ground water, and Waste Discharge Requirements, that are necessary, feasible and cost-effective and provide local flexibility .
4. Promote State agencies's commitment to waste diversion. Support regulations and legislation to further this goal.
5. Support legislation that would provide for local government stakeholder participation with State and regional agencies.
6. Support efforts to eliminate overlap between the agencies and departments and oppose contradictory goals at State agencies.
7. Support legislation and/or regulations that provide local government with the authority and means to achieve and fund mandated activities.
8. Support efforts to provide the regulated community with greater due process in any enforcement or other directed activity of any enforcement agency.
9. Retain local authority to provide enforcement and designate LEAs.
10. Support equitable solutions to waste export issues and address the applicability of State and local tonnage fees on exported waste.
11. Promote appropriate use of the OEHHA California Communities Environmental Health Screening Tool to ensure that it does not undermine or preempt local authority.
12. Promote Green Chemistry initiatives.

OUTREACH AND AWARENESS

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.

ACTION ITEMS:

1. Enhance influence of California Chapters 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, Cal/EPA, 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. Disseminate priorities and positions of SWANA and LTF
 - d. Prepare and develop white papers and other communications.
2. Support and promote policies developed by SWANA International, such as:
 - a. Product Stewardship Policy,
 - b. Policy on Solid Waste Disposal Ban,
 - c. The "Pushing the Envelope" document,
 - d. Applied Research Documents / Conversion & Emerging Technologies.
3. Monitor nationally significant rulings and issues that may affect California. Identify potential statewide impacts and broadly disseminate information, and assist as necessary. Also, solicit input from all California members.
4. 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)
5. 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.
6. Maintain LTF website. Post on LTF website industry comment letters and coalition letters on which SWANA California Chapters are signatories.
7. 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.
8. Enhance education and awareness of SWANA membership through presentation of a legislative and regulatory session at the Western Regional Symposium and other forums.

SWANA LEGISLATIVE TASK FORCE MEMBERS California Chapters

2014 OFFICERS and DIRECTORS (nominated)

Chair – Nancy Ewert, P.E.

Vice Chair – Mark Bowers

Treasurer – Glenn Acosta

Secretary – Mark J. Urquhart, P.E.

GOLD RUSH CHAPTER:

William Merry, P.E., Monterey Regional Waste Management District

Mark J. Urquhart, P.E.

Christina Hansen, Placer County

Larry Sweetser, Sweetser & Associates, Inc./ESJPA

Mark Bowers, City of Sunnyvale

FOUNDING CHAPTER:

Chuck Boehmke, P.E., Sanitation Districts of Los Angeles County

Glenn Acosta, P.E., Sanitation Districts of Los Angeles County

Constance Hornig, Esq., Law Offices

Mike Mohajer, P.E., Southern California Waste Management Forum

Lisa Wood, City of San Diego

Sharon Green, Sanitation Districts of Los Angeles County

SIERRA CHAPTER:

Eric Zetz, City of Clovis

Nancy Ewert, P.E., Kern County

Rod Andrews, Retired, Merced County

Jim Babcock, PhD, P.G., ARCADIS Inc.

Curtis Larkin, Fresno County

Brian Klatt, Kern County

LOBBYIST:

SHAW/YODER/ANTWIH INC.

Paul Yoder, Lobbyist * Jason Schmelzer, Legislative Advocate

(916) 446-4656

www.shawyoderantwih.com/