



**SWANA**<sup>®</sup>  
SOLID WASTE ASSOCIATION  
of North America

September 3, 2015

The Honorable Jerry Brown  
Governor, State of California  
State Capitol, Office of the Governor  
Sacramento, CA 95814

**CALIFORNIA CHAPTERS**

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**LEGISLATIVE TASK FORCE**

[www.swanacal-leg.org](http://www.swanacal-leg.org)

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**RE: AB 876 (McCarty) – Compostable organics  
SWANA – Request for Veto**

Dear Governor Brown,

The California Chapters of the Solid Waste Association of North America (SWANA) represent much of the publicly-owned and -operated solid waste management infrastructure in the state and the local governments responsible for implementing waste diversion and recycling programs. The SWANA Legislative Task Force (LTF) represents the California Chapters on legislative and regulatory issues.

The SWANA LTF respectfully requests that you VETO AB 876, which would require local jurisdictions to report an estimate of the total organics processing capacity that will be needed over a fifteen-year period. Additionally, the bill requires counties to identify locations for organic waste recycling facilities capable of safely meeting the needed capacity.

With respect to the identification of locations for organic waste recycling facilities, we are concerned that this is both unnecessary and would be an infringement on local control of land use decisions. First, the CalRecycle guidelines on AB 1826 (Chapter 727, 2014) implementation already requires each jurisdiction (cities, counties, etc.) to identify suitable areas/sites within its own jurisdictional boundaries on an annual basis. With this requirement, the language contained in AB 876 is unnecessary and duplicative. We believe this approach is preferable to that contained in AB 876 because it preserves local land use discretion by asking each jurisdiction to identify sites within its own boundaries, where AB 876 would ask the county to identify sites within the boundaries of cities within the county as opposed to unincorporated areas.

The LTF is also concerned that AB 876 does not contain a clear definition of the term “organic waste”. The LTF is concerned that the lack of definition could cause confusion because the Public Resources Code contains many references to organic waste. In order to be consistent with AB 1826 (Chapter 727, 2014) the bill should reference subdivision (d) of Section 42649.8 of the PRC.

Finally, the LTF believes that the requirement to report annually on the needed organic waste processing capacity over a fifteen-year period is excessive. We would suggest a report with a five year outlook prepared once every five years.

Because our suggested changes were not incorporated in the final version of the bill, we stand in strong opposition, and again, respectfully request that you VETO AB 876 when this bill comes before your desk. Should you have any questions, please contact Jason Schmelzer at 916-446-4656.

Sincerely,

A handwritten signature in black ink that reads "Jason Schmelzer". The signature is written in a cursive, flowing style.

Jason Schmelzer  
SWANA Legislative Advocate

cc: The Honorable Kevin McCarty, California State Assembly, 7<sup>th</sup> District