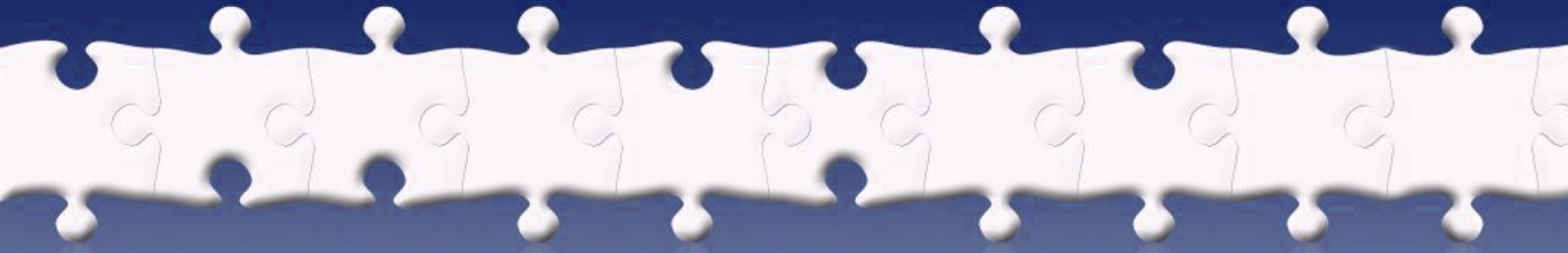


# 2017 WORK PLAN



## 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*



LEGISLATIVE TASK FORCE  
California Chapters

# HIGHLIGHTS

## AB 45 (Mullin) - FAILED

Earlier this year, Speaker Pro Tem Kevin Mullin introduced AB 45. As originally proposed, cities and counties would have been required to make curbside and/or door-to-door collection the main method of collecting household hazardous waste (HHW), including pharmaceuticals. Numerical goals for HHW collection were also included in the bill. Jurisdictions would bear the complete financial burden for this expensive form of collection. Additionally, with local governments solely responsible for HHW collection, pharmaceutical companies would be recused from developing takeback programs.

Counties already have robust HHW collection programs, which include collection centers, round-up events, and door-to-door collection for seniors and the disabled. Los Angeles County, for example, spends over \$10 million on HHW programs.

SWANA LTF coordinated opposition efforts with the League of Cities, California State Association of Counties, and other state organizations. Despite overwhelming opposition by local governments, the bill continued to move through the Legislature. Finally, through a broad local government coalition and strategic planning, the bill was defeated in the Senate.



# HIGHLIGHTS

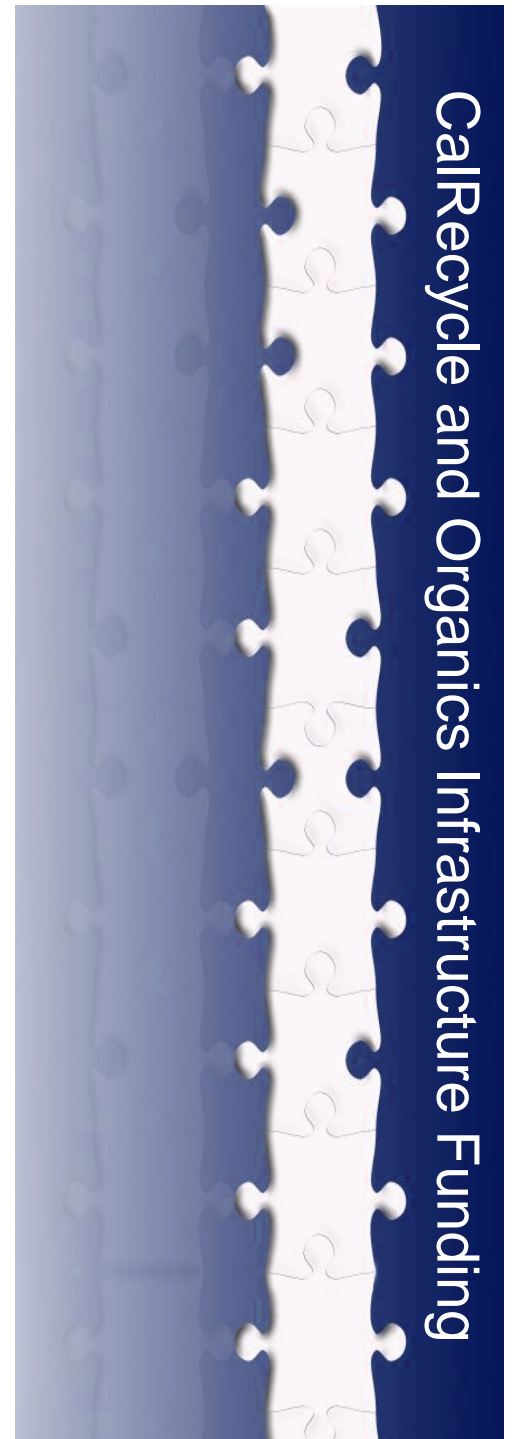
## AB 1063 (Williams) - FAILED

AB 1063 proposed to increase the Integrated Waste Management Fee (IWMF) to \$4 per ton, where a portion (up to \$2 per ton) of the increase would be designated to fund new organics recycling infrastructure and programs in the form of market incentive payments for recycling infrastructure, grants, and loans.

Another portion (likely \$0.50 per ton) would be allocated to the State Water Resources Control Board (SWRCB) to pay for its cost of regulating solid waste facilities, which we understand would replace the SWRCB's currently facility fee. This would leave \$2 per ton for CalRecycle to fund its operations and programs, \$0.60 per ton more than CalRecycle currently receives.

AB 1063 would also impose a fee on all solid waste generators in California, estimated to be \$1-2 per household per year. It would be collected by local governments and remitted to the Board of Equalization on a quarterly basis. The generator fee is intended to accomplish two goals: (1) remediate the budgetary shortfalls CalRecycle projects to occur due to declining revenue from the IWMF, and (2) raise at least \$15M per year for a period of four years to possibly fund the organics recycling infrastructure and activities. Unlike the IWMF, the generator fee would be adjusted every three years based on CalRecycle's budgetary needs.

The Governor's office (sponsor of the bill) has since pulled AB 1063 to allow for more discussion with stakeholders. SWANA LTF shared its concerns with the Governor's office and wrote a white paper that offers alternative approaches.



# HIGHLIGHTS

## SB 1383 (Lara) - PASSED

While SB 32 (Pavley) and AB 197 (Garcia) extends the California Air Resources Board (CARB) authority to regulate and reduce greenhouse gases (GHG) beyond 2020, it is SB 1383 (Lara) that will have the most profound impact on the solid waste management industry for years to come.

A few years ago, a new classification of pollutants was created. "Short-Lived Climate Pollutants" (SLCP) were viewed as having detrimental effects on the environment even though their life span was relatively short. Methane was deemed a SLCP. To address SLCP, CARB contemplated a ban on organics disposal at landfills.

SB 1383 (Lara) addresses SLCP by requiring CARB to develop and approve a comprehensive strategy to reduce methane emissions 40 percent below 2013 levels by 2030. CalRecycle is required to adopt regulations that achieve these goals:

- 50 percent reduction in organics disposal at landfills from 2014 levels by 2020
- 75 percent reduction in organics disposal at landfills from 2014 levels by 2025

With 31 million tons of solid waste disposed annually at California landfills, it is estimated that 6 million tons is food waste. CalRecycle's State of Recycling Report, dated March 2015, estimates that there is only 2 million tons per year of organics recycling infrastructure in the state. This means there is a 4 million tons per year organics recycling capacity shortfall. Significant capital investment (\$1-2 billion) will be required to comply with SB 1383 and other organics diversion mandates recently enacted.



A Near Ban on Organics Disposal at Landfills

# 2015-16 Legislative Session

## OTHER BILLS

In addition to the three bills highlighted above, below are some of the over 90 bills the SWANA LTF tracked in the last legislative session.

BILL	SUMMARY	LTF POSITION	OUTCOME
AB 1103 (Dodd)	Requires self-haulers to report to CalRecycle on loads shipped or disposed of just like commercial haulers.	Oppose	Chaptered
AB 1669 (Hernandez)	Requires local agencies to give bidding preference to contractors collecting and transporting solid waste that retain employees from the previous contractor.	Oppose	Chaptered
AB 2039 (Ting)	This bill would require a producer of home-generated sharps to submit a stewardship plan to CalRecycle.	Support	Dead
AB 2153 (Garcia)	Requires dealers to take back spent lead-acid batteries from consumers at no charge.	Work with Author	Chaptered
AB 2313 (Williams)	Provides monetary incentives for biomethane projects involving pipeline injection.	Support	Chaptered
AB 2813 (Gordon)	Requires state agencies and large facilities to facilitate recycling by providing means for collection, education, and signage.	Support	Chaptered
SB 423 (Bates)	Requires DTSC to convene a Retail Waste Working Group to make recommendations on the management of surplus household consumer products, identify waste reduction opportunities.	Support	Chaptered
SB 1229 (Jackson)	Provides civil liability protection for "collectors" who provide secure take-back bins for used and unwanted pharmaceutical waste.	Support	Chaptered

The SWANA LTF also gave presentations at 2016 Western Regional Symposium and 2016 Annual Forum to raise awareness of pending regulatory and legislative actions.

# 2017-18 Legislative Session

# OUTLOOK

## Guiding Advocacy Principles

This 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.

## 2017 Regulatory & Legislative Priorities

### ANTICIPATED POLICY DRIVERS

- **AB 901 Implementing Regulations** – The new reporting requirements proposed for solid waste facilities and haulers are extensive. Reasonableness and practicality on what can be reported to CalRecycle needs to be incorporated into the draft regulations.
- **Household Hazardous Waste and Pharmaceuticals (follow up to AB 45)** – Local governments should not be the sole party responsible for managing HHW, pharmaceuticals and sharps. Manufacturers must be part of the HHW/pharma management solution by providing convenient takeback programs and/or re-engineering products with less packaging and hazardous material content; also known as Extended Producer Responsibility (EPR) or Product Stewardship.
- **CalRecycle's Long-Term Financial Needs and Organics Recycling Infrastructure Funding** – With recently enacted bills, such as SB 1383 (Lara, 2016), AB 1826 (Chesbro, 2014), and AB 1594 (Williams, 2014), and state and local diversion initiatives, there will be a declining revenue stream for CalRecycle and operating landfills. There is also a significant shortage in organics recycling capacity. As indicated in the SWANA LTF White Paper, there are opportunities to utilize existing anaerobic digestion capacity at wastewater treatment plants in California to lessen the initial capital investment needs to build such infrastructure. Additionally, by imposing the IWMF on all solid waste and recycling facilities overseen by CalRecycle, not just landfills, the forecasted budget shortfall can be alleviated.



## 2017 Regulatory & Legislative Priorities

### CONTINUED

- **Packaging** – Since AB 341 (Chesbro) was enacted in 2011, CalRecycle has made achieving the statewide goal of 75% recycling by 2020 one of its highest priorities. In addition to sponsoring and supporting legislative bills that increase diversion, CalRecycle is also looking to adopt policies that would assist State in reaching that goal. To that end, CalRecycle has been working with the packaging industry over the past 3 ½ years to reduce disposal of these wastes at landfills and transformation facilities. With no measureable progress seen during this time, CalRecycle may now adopt a mandatory policy to reduce disposal of packaging by 50% by 2020. Currently we dispose of approximately 8 million tons of packaging-related waste. Cutting this number by half in less than 4 years will not be an easy task, particularly without industry's cooperation. Fees are being considered on packaging to incentivize manufacturers and help prevent discards ending up in stormwater.
- **Beverage Container Recycling Reform** - Structural reform is needed for the beverage container recycling program, which has experienced significant financial decline.
- **Short-Lived Climate Pollutants Plan** – In November 2016, CARB released a draft strategy for reducing SLCPs in California. The strategy includes diverting organics from landfills, as required by SB 1383. CARB estimates a reduction of 4 MMTCO<sub>2</sub>e of landfill-related methane emissions by 2030 in implementing this measure. SWANA LTF will provide comments on the SLCP Plan through its adoption.

# 1

# Laws and Regulations

## Platform

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.

## Advocacy Focus

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, product stewardship, 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.

## Policy Principles

- Promote SWANA National and California LTF position papers, particularly on high priority policy drivers.
- Support regulations and legislation that incentivize material recovery and takeback programs by manufacturers.
- Encourage energy recovery from municipal solid waste (MSW) by supporting legislation to eliminate regulatory barriers and establish a diversion credit tier for emerging technologies.
- Promote a science-based approach that balances costs with environmental benefits, such as a life cycle analysis.
- Encourage the development of cost effective organics management programs and infrastructure that best fits each jurisdiction’s needs and community.
- Facilitate local funding for local solutions rather than state-driven directives.



## 2017 Advocacy Activities

1. Comment on the AB 901 implementing regulations to ensure that CalRecycle gets enough data to track the waste and recyclables stream but not create an administrative burden to haulers, operating facilities, and local governments.
2. Participate in the rule development process for the organics diversion goals contained in SB 1383 related to Short-lived Climate Pollutants and the SB 32 Scoping Plan.
3. Participate in legislative efforts to reform beverage container funding, such as adjustments to CRV and recycling-related payments.
4. Participate in legislative efforts to address CalRecycle funding proposals.
5. Participate in the Department of Toxic Substances Control's (DTSC's) rule development process for photovoltaic panels.
6. Engage with DTSC's Retail Waste Working Group (SB 423) on identifying appropriately ways of managing surplus household consumer products.
7. Advocate to CalRecycle that regulatory enforcement efforts be commensurate with the violation and that there be a due process prior to being assessed fines.
8. Advocate renewable energy from solid waste to the legislature and regulatory agencies. Monitor developments in energy policy related to landfill gas and biomass.
9. Support allocation of GHG funds to organics infrastructure by submitting letters to the Legislature at the appropriate time in the budget process.
10. Support legislative efforts to create extended producer responsibility programs through letters to the Legislature and in-person testimony.
11. Advocate transparency in CalRecycle's review of each jurisdiction's Integrated Waste Management Plan and request that "best efforts" be reasonable and realistic.

# 2

# Local Authority and Government Entities

## Platform

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

## Advocacy Focus

Emphasize effective, certified staffing for all aspects of solid waste management, cost-effectiveness, and environmental soundness. Maximize flexibility for optimized solutions.

## Policy Principles

- Promote streamlining of regulatory agencies by eliminating non-essential programs and minimizing redundant or overlapping regulations, and underground regulations.
- Support legislation that would provide for stakeholder participation from local governments on regulatory oversight and policy matters proposed for adoption by state and regional agencies.
- Ensure regulatory agencies and legislative bodies do not undermine or preempt local authority or discretion.
- Support regulations and legislation that grant local governments the authority and means to achieve and fund mandated activities.
- Encourage regulatory frameworks that provide the regulated community with greater due process in enforcement actions by state agencies.
- Support limits to the lawsuit provisions of the Clean Water Act that would minimize frivolous citizen suits and preclude unreasonable attorney fee awards.
- Encourage practicable approaches to addressing the needs of Environmental Justice communities.

## 2017 Advocacy Activities

1. Seek amendments to legislation that impedes local government discretion.
2. Coordinate advocacy efforts with California State Association of Counties (CSAC) and the League of Cities on issues impacting local governance.

# 3 Outreach and Awareness

## Platform

Increase awareness in the Legislature that the SWANA California Chapters represent the majority of the publicly-owned and operated solid waste management facilities in the state.

## Advocacy Focus

Maintain an active advocacy presence in the Legislature and at CalRecycle through involvement in the regulatory and legislative processes, and developing relationships with key members in both chambers and with the appropriate staff at the state agencies.

## Policy Principles

- Develop relationships with state regulatory agencies that oversee the management, recycling, and disposal of municipal solid waste, household hazardous waste, and pertinent special wastes.
- Support SWANA International in advocacy and policy areas that apply to California, such as product stewardship policy, disposal bans, "Pushing the Envelope" documents, and applied research on emerging technologies.
- Build coalitions with other statewide organizations and private haulers when appropriate, such as the California State Association of Counties (CSAC), League of California Cities, Rural County Representatives of California / Environmental Services Joint Powers Authority (RCRC/ESJPA), County Engineers Association of California (CEAC), California Special Districts Association, Bioenergy Association of California, regional Councils of Government, California Resource Recovery Association (CRRA), and the Solid Waste Industry Group (SWIG).
- Enhance education and awareness of key legislation and regulation to SWANA membership through newsletters, discussions at Chapters, and presentations at the Western Regional Symposium.

## 2017 Advocacy Activities

1. SWANA LTF Officers meet with CSAC and the League of Cities early in the legislative process on key bills.
2. Continue the in-person meetings in Sacramento between the SWANA LTF and CalRecycle's executive management.
3. SWANA LTF Officers meet with key legislators, legislative and Governor's staff, the Director of CalRecycle, and other regulators as appropriate.

# 2017 SWANA LTF

## Nominated Officers

Mark Bowers, City of Sunnyvale, Chair  
Glenn Acosta, Sanitation Districts of Los Angeles County, Vice Chair  
Eric Zetz, City of Clovis, Treasurer  
Christina Hanson, Placer County, Secretary

## LTF Membership

### **GOLD RUSH CHAPTER:**

Doug Kobold, County of Sacramento  
Mark J. Urquhart, P.E.  
Christina Hanson, Placer County  
Larry Sweetser, Sweetser & Associates, Inc.  
Mark Bowers, City of Sunnyvale  
Joe LaMariana, South Bayside Waste Management Authority, (Alternate)  
Charles White, Government Affairs Consultant, (Alternate)

### **SIERRA CHAPTER:**

Eric Zetz, City of Clovis  
Curtis Larkin, Fresno County  
Brian Klatt, P.E., Kern County  
Brooks Stayer, Merced County Regional Waste Authority  
Herb Cantu, City of Santa Maria  
Greg Ollivier, Caglia Environmental, (Alternate)  
Nancy Ewert, P.E., Kern County, (Alternate)

### **FOUNDING CHAPTER:**

Glenn Acosta, P.E., Sanitation Districts of Los Angeles County  
Sharon Green, Sanitation Districts of Los Angeles County  
Mike Mohajer, P.E., Southern California Waste Management Forum  
Mary Beth Anderson, OC Waste & Recycling  
Lisa Wood, City of San Diego  
Frank Caponi, P.E., Sanitation Districts of Los Angeles County, (Alternate)  
Constance Hornig, Esq., Law Offices, (Alternate)