



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

September 9, 2005

The Honorable Rosario Marin  
Chair, California Integrated Waste Management Board  
P.O. Box 4025  
Sacramento, CA 95812-4025

RE: AB 939 Diversion Compliance System

Dear Chairwoman Marin,

The Solid Waste Association of North America (SWANA) is composed of approximately 7000 public and private sector solid waste management professionals throughout North America dedicated to the development and enhancement of environmentally and economically sound practices and policies for the integrated management of municipal solid waste. There are approximately 900 members of SWANA in California.

The California Chapters of SWANA value the Waste Board's efforts on improving the AB 939 Diversion Compliance System. The following are SWANA's comments regarding the staff report, *Description the Proposed Alternative Compliance System*.

- **Goal Measurement** - Measurement based on Countywide Disposal Reporting System is a form of a "mathematical compliance system". Although SWANA's basic position is to support program based approach's toward AB 939 compliance, the proposal, while still mathematically based, may be a step in the right direction if the following concerns are addressed:
  - How will this system be expanded to provide for "Growth Factors?"
  - Countywide disposal will not be representative of all jurisdictions within a county.
  - If adjustment factors will no longer be used to estimate diversion rates, jurisdiction specific issues will not be taken into account.
- **Biennial Review Reporting** - As proposed by staff, data to be reported by jurisdictions to the CIWMB would include "program implementation efforts, and disposal goal information".
  - Jurisdictions should have the option to provide other disposal "numbers" if they believe the DRS numbers are inaccurate.
  - If there are multiple jurisdictions within the same county, a countywide reporting system will not reflect the efforts of particular jurisdictions.
- **Compliance Process** – The staff proposal may be acceptable providing:
  - The CIWMB does not mandate implementation of new programs beyond those listed in the jurisdiction's approved SRRE and/or any other programs that a jurisdiction and the CIWMB agree upon.
  - The staff proposal and the existing CIWMB compliance measurement system (CIWMP Enforcement Policy Part 2) are revised to eliminate the use of phrases and words (i.e. "substantially") that are subject to interpretation.
- **Enhanced Technical Assistance Tools and Outreach** – SWANA would like to expand and modify the staff proposal to require:
  - The CIWMB to conduct regional waste characterization on an annual/seasonal basis in addition to the statewide waste characterization.
  - State agencies to use the "power" of the State to create a market for diverted materials.

The California Chapters of SWANA appreciate the opportunity to submit comments on this topic and we look forward to working with you and your staff in the future. Thank you for your consideration of our position.

Sincerely,

Yvette Gómez Agredano  
Legislative Advocate  
California Chapters of SWANA

cc: Leticia Gallegos, CIWMB  
Will Dickinson, Chair, SWANA Legislative Task Force  
Mark Urquhart, Secretary, SWANA Legislative Task Force

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