



SWANA[®]

SOLID WASTE ASSOCIATION
of North America

CALIFORNIA CHAPTERS

FOUNDING

SIERRA

GOLDRUSH

LEGISLATIVE TASK FORCE

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July 8, 2008

The Honorable Mark Leno
Chair, Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, CA 95814

Dear Chairman Leno:

**RE: SB 1016 (Wiggins) Diversion: Annual Report –
Support if Amended**

On behalf of the Solid Waste Association of North America, we would like to express our Support if Amended position of SB 1016 (Wiggins).

SB 1016 would change the State's diversion rate reporting requirements to a jurisdictional equivalent disposal measurement requirement.

Unfortunately, SWANA's support for the bill is now conditional due to an amendment taken in the Assembly Natural Resources Committee. The amendment taken in that committee substantially changes the intent of the legislation. This amendment can be found on Page 6; lines 1-12. *It is our understanding that the purpose of the bill is to move towards a program based system where per capita rate is used only as one of many indicators of each jurisdiction's performance. However, the amendment taken in the Assembly Natural Resources Committee would institute per capita disposal as a stricter standard of compliance.*

In addition, SWANA also continues to believe that the following technical corrections should be made to the bill:

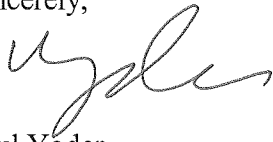
1. Page 4, Lines 10 & 11- The terms "amendments", "revisions", and "updates" need to be defined. Without these terms being defined these items will be left for interpretation and could have major economical impact on a city/county.
2. Page 7, Lines 35-40; Page 8, Lines 22-29- As written, the Waste Board has the authority to use "an alternative method of calculating a jurisdictions per capita disposal rate." We believe the jurisdiction should be able to participate in the development of any alternative method.
3. Page 9, Lines 10-12- We ask that jurisdictions that are in the process of or have completed a new generation study after 2006, be allowed to have these studies considered in creating the new proposed base year.
4. Page 13, Lines 11 & 12- Since there is a distinction between a "solid

or have completed a new generation study after 2006, be allowed to have these studies considered in creating the new proposed base year.

4. Page 13, Lines 11 & 12- Since there is a distinction between a “solid waste facility” and a “regional diversion facility,” the term “diversion facility” needs to be defined.
5. Page 16, Lines 23-29- This section gives the Waste Board the authority to review whether or not a jurisdiction is in compliance “anytime the board receives information” that indicates the jurisdiction may not be in compliance. We believe the board should be required to verify the source and the claim prior to subjecting the jurisdiction to unjustifiable related efforts.

Again, SWANA appreciates the work of the author and the sponsors of SB 1016 (Wiggins) to craft a bill that local governments in California can support. We look forward to continuing to work with the author, the sponsor and the Administration on further amendments that will allow SWANA to unconditionally support the bill when it is before the Governor.

Sincerely,



Paul Yoder
Legislative Advocate

Cc: Members and Consultants, Assembly Appropriations Committee
The Honorable Patricia Wiggins
John Moffatt, Office of the Governor