

# SWANA CALIFORNIA CHAPTERS

## LEGISLATIVE TASK FORCE (LTF)

### 2011 WORK PLAN

At its annual workshop in November 2010 the Legislative Task Force identified the following issues as top priorities for the 2011 Work Plan:

- “Raising the Bar” Increased Diversion / Reduced Disposal
  - Local Government Budgets
  - Decline in materials market
  - Mandatory Commercial Recycling
- Extended Producer Responsibility/Product Stewardship
- Proposition 26 Implementation Issues
- Greenhouse Gas / Global Warming / AB 32 Implementation at the ARB
  - Carbon footprint
- Potential State Fee Increases and Proposed Uses Thereof
- Conversion Technologies
- Illegal Dumping
- ADC Diversion Credits / Usage and Enforcement
- Closure and Post Closure / Corrective Action
- Changes to the Bottle Bill
- Communication / relationship with regulatory agencies.

The 2011 Work Plan encompasses four major areas of effort and will guide the activities of the LTF and its Legislative Advocates during the 2011 calendar year.

#### **Mission Statement:**

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

## **I. REGULATION / POLICY DEVELOPMENT**

- A. Goal:** Ensure reasonable regulations (new or revised), through active participation in the development and review process, that assure economic feasibility and appropriate protection of health, safety and the environment.
- B. Objective:** Proactively participate in regulatory developments involving solid waste issues; review and provide comments to appropriate regulatory agencies; leverage with partner associations, local agencies, and industry in support of the LTF position on appropriate regulations.
- C. Action items**

#### **Monitor / Take appropriate action:**

1. On the CalRecycle realignment, encourage CalRecycle to review existing programs and eliminate those that are non-essential, and curtail or delay those programs/regulations that are not directly related to the protection of public health, safety and the environment.
2. On any proposed changes to the Disposal Reporting System.
3. To promote enforcement of existing Alternative Daily Cover (ADC) regulations instead of regulations that restrict the use of ADC.
4. To actively promote and support life cycle analysis for any new and expanded regulations to

increase waste diversion mandates/programs. Oppose proposals that fail to substantiate the need for the proposed requirements without a thorough lifecycle and economic analysis. To encourage the State to consider and promote global economic and environmental impacts and promote life cycle analysis of all regulations. To emphasize the current solid waste hierarchy per AB 939 in light of industry and market changes and realistically assess the availability of current and future markets for beneficial use of solid waste materials.

5. To update and modify Strategic Directive (SD) 6. To realistically assess the availability of current and future markets for beneficial use of solid waste materials.
6. To support the development of conversion technology regulations promoting the development of facilities. Oppose regulations that treat these facilities as disposal facilities. Promote realistic requirements for front end recovery of recyclable materials. Support economic and environmental comparisons that are fair and objective.
7. To support the requirement for a basic level of training of solid waste managers and inspectors. To promote joint training opportunities, and a certification program.
8. On SWRCB efforts to revise regulations on waste discharge requirements and storm water permits. To educate policy makers on feasibility and cost of proposed requirements.
9. On CARB and other GHG regulations including those stipulated by AB 32.
10. On changes to energy recovery requirements for MSW including Renewable Portfolio Standards and local air district requirements.
11. On regulations relating to solid waste management / e-waste / universal waste / medical waste / pharmaceuticals/Household Hazardous Waste.
12. On closure / post-closure and non-water quality corrective action regulations. Oppose corrective actions that are not “reasonably foreseeable.”
13. On proposals that incorporate Environmental Justice issues in regulations, using position papers developed by SWANA International as appropriate.
14. On regulations related to the Bottle Bill.
15. To oppose regulations that would weaken local government authority or cause undue financial responsibility on local governments.
16. On regulatory developments regarding Mandatory Commercial Recycling, specifically monitoring and enforcement.
17. On regulatory developments regarding SB1016 implementation and measurement of waste diversion programs.
18. On implementation of the “Green” Building Code.
19. Development of Green Chemistry Initiatives

## II. LEGISLATION

- A. **Goal:** Review, comment on and influence proposed legislation addressing solid waste issues and pursue/support legislation supportive of the LTF Mission Statement. Work with various 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.
- B. **Objectives:** Identify legislation of interest; provide comments to key legislators and staff on high priority bills; leverage with partner associations, local agencies and industry support of LTF positions on priority bills; develop alerts to all SWANA members and local agencies as appropriate; develop and submit LTF letters to Governor as appropriate.
- C. **Action Items:**

### **Monitor / Take appropriate action:**

1. To oppose legislation that would allow any State agency to promulgate regulations, guidelines,

- procedures, directions, or policies to ban materials from landfill disposal or transformation / conversion technology facilities unless they first:
- a. Conduct scientific studies that show a danger to public health or environment, and
  - b. Develop a plan for realistic and cost-effective ways to remove the material from the waste stream. “Don’t Ban Without a Plan.”
2. On legislation to “Raise the Bar” on diversion / disposal. To support increases in waste reduction mandates only when based on lifecycle environmental benefits, identified cost, and infrastructure capabilities. Promote the strategies that place the responsibility less on local governments and more on the manufacturing and retail sectors.
  3. On changes to the Bottle Bill.
  4. To support product stewardship and increased manufacturer and retail responsibility especially with respect to materials that are difficult to recycle and / or hazardous waste and / or banned from landfills. “You Make It, You Take It.”
  5. To oppose legislation that would increase state fees / surcharges unless appropriate.
  6. On legislation relating to e-waste / universal waste / medical / pharmaceuticals / Household Hazardous Waste.
  7. To support definitions that clearly describe what is meant by “organics,” and that promote integration of conversion technologies into the solid waste hierarchy.
  8. To support diversion credit for conversion technologies, and the removal of obstacles to conversion technology development. To support incentives for bioreactors and conversion technologies.
  9. To oppose legislation that would prohibit the use of ADC towards waste diversion/reduction requirements.
  10. To support legislation to discourage illegal dumping.
  11. To oppose legislation that would weaken local government authority, especially with respect to the existing LEA system, or that would impose any additional financial responsibility on local governments unless consistent with the mission statement.
  12. To support greater State efforts in market development for diverted materials. To encourage the State to consider global economic, human health and environmental impacts and promote life cycle analysis of all regulations. To emphasize the current solid waste hierarchy.
  13. To support legislation to extend sunset date of the RMDZ program. To support the use of RMDZ funds to promote new and expanded markets, including conversion technologies.
  14. To support legislation that would promote through economic, regulatory and/or other incentive processes the development of in-California manufacturing facilities using materials recovered through recycling activities.
  15. To oppose legislation mandating that all waste must pass through MRFs.
  16. On opportunities to improve the planning and operational constraints of hauler five year continuation rights.
  17. On increased recycled content, considering quality and cost criteria.
  18. On changes to what is required for siting element conformance.
  19. To support the requirement for a basic level of training for solid waste managers and inspectors. To promote joint training opportunities, and a certification program.
  20. To support market-based incentives to increase the use of rubberized asphalt.
  21. To support legislation, as appropriate, to encourage the construction of “green buildings.”
  22. On legislation to clarify the application of Propositions 26 and 218 to solid waste service fees.
  23. To support tax credits and other incentives for energy recovery from MSW and for recycling equipment.
  24. To support legislation that would make state agencies and schools subject to the provisions and mandates of AB 939, including removal of “subject to funding limitations,” purchase of recycled content products, and the imposition of fines for noncompliance.
  25. To oppose legislation that negatively/support legislation that positively impacts existing or new landfill gas-to-energy facilities.

### III. OUTREACH AND AWARENESS

A. **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.

B. **Objectives/Actions Items:**

1. Enhance influence 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 Public Health, and other relevant state agencies and departments and other officials. Furnish information as appropriate.
  - b. Encourage local members' involvement with regional agencies when appropriate.
  - c. Prepare and disseminate profile of SWANA and LTF white papers as appropriate.
2. Inform SWANA membership of legislative, regulatory, and judicial issues including AB32-related 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 the Western Regional Symposium to the general membership.
  - d. Encourage SWANA membership to keep local government and special district officials aware of issues of greatest importance to SWANA.
3. Maintain LTF website.
4. Promote awareness of the (MOLO program as well as raise awareness of other training opportunities provided by SWANA, including the Western Regional Symposium and SWANA International Trainings such as WASTECON and other trainings relating to transfer/collection/recycling activities.
5. Regarding waste reduction mandates, reach out to organizations such as the League of California Cities, CSAC, RCRC and local communities to promote our message, influence their decisions and reach common ground.
6. 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. RCRC / Rural Counties' ESJPA
  - 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. Departments of Public Health
  - m. Board of Pharmacy
- 7. Enhance education and awareness of SWANA membership through presentation of a legislative and regulatory session at the Western Regional Symposium.
- 8. Support and promote policies developed by SWANA International, such as T-31 Product Stewardship Policy, T-32 Policy on Solid Waste Disposal Ban, the “Pushing the Envelope” document, Achieving Greater Waste Diversion white paper, Applied Research Documents and documents promoting biostabilization and bioenergy landfills (“bioreactors”). Monitor issues that emerge out of locality-specific situations. Use LTF to analyze potential statewide impacts and broadly disseminate information, and assist as necessary. Also, solicit input from all California members.
- 9. Post industry comment letters on website.

#### IV. LOCAL CONTROL AND GOVERNMENT ORGANIZATION

##### A. 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

##### B. Objectives/Action Items:

1. Support legislation that would provide for local government stakeholder participation at CalRecycle.
2. Monitor / take action on development of appeals processes.
3. Support efforts to eliminate overlap between the agencies and departments and oppose contradictory goals at state agencies.
4. Support legislation and/or regulations that provide local government with the authority and means to achieve and fund mandated activities.
5. Support efforts to provide local government with greater due process in any enforcement or other directed activity of the Cal/EPA, Department of Resources Recycling and Recovery, SWRCB, DTSC, CARB or any other state agency.
6. Retain local authority to provide enforcement and designate LEAs.
7. Support equitable solutions to waste export issues and address the applicability of state tonnage fees on exported waste.