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LEGISLATIVE TASK FORCE

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**MINUTES OF SWANA CALIFORNIA
LEGISLATIVE TASK FORCE MEETING, SACRAMENTO**

July 1, 2010

By: Mark Urquhart, Secretary

The Legislative Task Force (LTF) meeting started at about 10:00 AM. A quorum was present as there were 11 voting members present, including at least one voting member from each chapter. The agenda is Attachment A. A sign-in list of the attendees is Attachment B. Lisa Wood chaired the meeting as William Merry was not present. The items from the agenda below were not all discussed in the order listed (Regulations were discussed before Legislation).

I. BUSINESS ITEMS AND LTF ACTIVITIES

Approval of Minutes from June 3, 2010 LTF Meeting

Lisa Wood asked for comments on these minutes. There were none.

Motion:

A motion was made by Mike Mohajer; seconded by Lisa Wood to approve the minutes from the June 3, 2010 meeting. The motion carried; all in favor.

Treasurer's Update

Nancy Ewert said the report for June is not available yet and would be presented on the next LTF call.

Next Meeting Date

It was noted that the next call would be on August 5, 2010.

LTF Annual Meeting Update

Tressa Wallace discussed Sheraton Grand in Sacramento is available November 5 and 6. CalRecycle (CR) speakers may be available but probably not legislators (try to get leg staff but even that is unlikely given dates). The reduced price is \$129/night; which was the best rate at hotels contacted. Larry Sweetser said legislators might not come to it if it is a non-union hotel. Tressa Wallace will check on the issue of whether Sheraton is union or not, but it was discussed that this may not be an issue to change the location given that it is unlikely that legislators or staff might attend given the meeting dates.

II. REVIEW OF 2010 LEGISLATION

AB 222 (Adams) Energy: biofuels – Support (previous version) – Passed Senate EQ but substantially amended (see link to committee analysis for amendments taken)

Heard and passed in Senate Environmental Quality (EQ). There have been amendments in committee analysis (agenda link) but Tressa Wallace does not have wording yet. It was discussed that amendments have made that make the bill worse, including placing gasification back in the old definition framework. There are some legislators that are dead against some major points of the intent of the legislation. Amendments will come out shortly. AB222 gets involved with other bills on renewable credits and diversion that will probably get involved in negotiations in the next couple months. Mike Mohajer said he thinks the ultimate bills may not be like next set of amendments given political negotiations that would occur. The amendments might not get into print for a while. Mike Mohajer said he may ask the LTF for oppose unless amended in the future if the bill goes the way it appears it headed. Mike Mohajer will keep the LTF informed.

AB 1858 (Blumenfield) Hypodermic needles and syringes: exchange services – Support if Amended – Senate Health 6/30/2010 1:30 p.m. (reconsideration)

Up for consideration.

AB 1998 (Brownley) Single-use carry-out bags – Watch – Passed Senate EQ (amendments not available at this time)

The bill will be amended further and is a contentious subject. CSAC and League may take not position as the way the bill is written now it takes away local flexibility.

AB 2139 (Chesbro) Product Stewardship – Support – Failed to pass Assembly Floor

Failed to get off the floor, which was very unexpected; but it was discussed that the way the bill got amended it was not very effective and maybe the reason for failure.

AB 2398 (Perez) Product stewardship: carpet – Support – Passed Senate EQ

This bill passed and is moving.

SB 722 (Simitain) Utilities: renewable energy resources – Passed Assembly Utilities and Commerce – Assembly Natural Resources 6/30/2010

Bill is moving. Complicated issues regarding landfill gas project. Does not provide for any changes to current law regarding diversion from CT and requiring CT projects have zero emissions.

SB 1029 (Yee) Hypodermic needles and syringes – Support if Amended – Assembly Business and Professions Committee 6/29/2010

This bill is in committee.

SB 1326 (Oropeza) Solid waste: tires – Passed Assembly Natural Resources

The bill requires that state grants for tire cleanup would require use of the California Conservation Corps (CCC). The LTF has told the authors office they would oppose it unless

amended. The author's office asked for the oppose letter from the LTF in order to move the bill out of the appropriations committee. It was discussed the bill provisions would require an unnecessary hurdle give that many local jurisdictions might want to use other types of work or volunteer programs. It was noted that the LTF needs to word the letter positively and gently including issues of using other available good local programs because it does support the CCC.

Motion – Nancy Ewert made a motion that Tressa Wallace draft an oppose unless amended position letter. Constance Hornig seconded the motion. All were in favor.

SB 1100 (Corbett) Product Stewardship: batteries – Support – Assembly Environmental Safety and Toxic Materials 6/29/2010

Tressa Wallace said that the bill passed out of committee and had a lot of support at hearing. However, it was discussed by DTSC that it could add \$0.34 per battery when others said that the cost would be much lower. Tressa Wallace said that it was never brought up how local government is bearing this cost now and this would just reassign this to manufacturers. Manufacturer's lobby efforts are totally ignoring fact that batteries are universal waste and must be funded by local government.

III REGULATORY MATTERS

SWRCB fee due to reduction in the IWMA (response from Dorothy Rice) Emailed 6/25/2010

Sharon Green discussed that this has become a legislative issue in the budget process. She said that discussions behind the scenes are ongoing on this issue. Sharon Green asked that these discussions on the issue and lobby work be kept confidential.

AB32 Mandatory Commercial Recycling Measure Workshop

The LTF letter with email circulation edits went out to CalRecycle. Tressa Wallace discussed that letter importantly stated the economic impact to local government, which is getting ignored (compared to private industry on EPR for example). It was discussed that CalRecycle feels this is low hanging fruit and should be implemented. Lot of discussion on disjoint between local government economic troubles and more mandates with costs. It was discussed that a diversion 50% requirement for all MRFs is very impractical given the diversity in the processing waste stream and Mark Urquhart pointed out that with such a high diversion standard that MRFs would become very expensive. GA pointed out that there is a lot of debate on the MRF recovery rates. He said that based on meeting discussions that CalRecycle staff appears to have little sensitivity to cost on this issue.

It was also discussed that the proposed state ballot initiative to delay AB32 may have difficulties in passing given governor opposes it and there may be too many initiatives on the ballot, confusing for frustrating voters.

ARB Cap and Trade

Chris Hanson said she sent out summary of notes on webinars she attended on the issue. The ARB is working to develop a program with protocol in line with the AB32 schedule. This includes working on definitions and parameters to get credits and new (replacement from previous voluntary) protocols. AB 32 required verifiable and enforceable projects with permanent projects attaining greenhouse gas reductions over and above current law. This means

that most landfill gas control in CA would not qualify for credits as current law requires collection and control systems. The schedule is for circulating draft regulations in the fall.

Chris Hanson discussed that the “American Power Act” discussion draft legislation has been circulated. USEPA is doing cost analysis and then it will go to the US senate floor. There is debate about grandfathering in current projects in voluntary programs. There is some debate as to how far this “climate” bill will go this year as it is very large and includes many environmental issues over many industries; it appears unlikely that it would pass this year on the federal side (Gulf oil spill complicated the process).

Federal Information

Tressa Wallace said she attached the SWANA national legislative quarterly report to the minutes. Tressa Wallace explained that SWIG group sent her a letter for co-signing on the federal legislation. Tressa Wallace wants feedback from the LTF. She said that the ESJPA was intending to cosign the letter. It was discussed that the LTF needs to make sure to contact SWANA national to ask if concerns over the California Chapters LTF taking up the issue or if LTF does take a position that it is coordinated and lined up with the SWANA national position.

CalRecycle Jurisdictional Review Tool

Nancy Ewert said that CalRecycle is asking for very detailed reporting information (participation rates) and has even threatened her jurisdiction (Kern County) with an audit if they do not get the detailed information. This is being implemented even for jurisdictions above compliance levels. This is a new “tool” that is requiring very detailed information and monitoring which will be costly. It was discussed that Nancy Ewert will talk to Ted Rough and/or Howard Levinson with her specific examples and her and the LTF concerns. It was discussed that this approach is totally contrary to the intent of AB 1016 legislation that was passed to initiate the new disposal reporting, which was meant to streamline reporting. There also is concern with this much more laborious reporting in addition to the fact that CalRecycle may look at one jurisdiction participation rates and require others to match that rate for their programs, when conditions can vary considerably.

Other – Judicial Matters

Constance Hornig mentioned that flow control issues are coming up again. Lisa Wood discussed that there are issues being discussed in New York regarding how certain wastes such as batteries are treated differently in different states. It was discussed that Constance Hornig may provide some legal updates during future LTF meetings.

IV ADJOURNMENT

The meeting was adjourned about 11:58 AM.

SWANA LTF AGENDA

Call in number 1-800-867-2581 access code 1006105

THURSDAY, July 1st 10:00 P.M. – 12:00 P.M.

I. Business Items

- Next Meeting Date – August 5th
- Approval of Minutes (June attached)
- Treasurer's Update (not available yet)
- Other
 - Annual meeting update

II. Legislative Matters (Bill Matrix attached)

AB 222 (Adams) Energy: biofuels – Support (previous version) – Passed Senate EQ but substantially amended (see link to committee analysis for amendments taken)

Committee Analysis - http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0201-0250/ab_222_cfa_20100625_195332_sen_comm.html

Previous Version - http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0201-0250/ab_222_bill_20090708_amended_sen_v95.pdf

AB 1858 (Blumenfield) Hypodermic needles and syringes: exchange services – Support if Amended – *Senate Health 6/30/2010 1:30 p.m. (reconsideration)*

http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1851-1900/ab_1858_bill_20100610_amended_sen_v96.pdf

AB 1998 (Brownley) Single-use carry-out bags – Watch – Passed Senate EQ (amendments not available at this time)

http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1951-2000/ab_1998_bill_20100528_amended_asm_v96.pdf

AB 2139 (Chesbro) Product Stewardship – Support – Failed to pass Assembly Floor

http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_2101-2150/ab_2139_bill_20100601_amended_asm_v97.pdf

AB 2398 (Perez) Product stewardship: carpet – Support – Passed Senate EQ

http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_2351-2400/ab_2398_bill_20100623_amended_sen_v96.pdf

SB 722 (Simitain) Utilities: renewable energy resources – Passed Assembly Utilities and Commerce – *Assembly Natural Resources 6/30/2010*

http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0701-0750/sb_722_bill_20100622_amended_asm_v94.pdf

SB 1029 (Yee) Hypodermic needles and syringes – Support if Amended –
Assembly Business and Professions Committee 6/29/2010

http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_1001-1050/sb_1029_bill_20100623_amended_asm_v96.pdf

SB 1326 (Oropeza) Solid waste: tires – Passed Assembly Natural Resources

http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_1301-1350/sb_1326_bill_20100623_status.html

SB 1100 (Corbett) Product Stewardship: batteries – Support – **Assembly Environmental Safety and Toxic Materials 6/29/2010**

http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_1051-1100/sb_1100_bill_20100615_amended_asm_v96.pdf

III. Regulatory Matters

- SWRCB fee due to reduction in the IWMA (response from Dorothy Rice)
 - Emailed 6/25/2010
- *AB32 Mandatory Commercial Recycling Measure Workshop*
 - Comment letter – in the process, hope to have out to the group by this afternoon for review.
- ARB Cap and Trade

IV. IV Federal Information

- See attachments from SWANA National
- Letter to EPA Regarding Regulation of Biogenic GHG Emissions

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SWANA LEGISLATIVE TASK FORCE TELEPHONE MEETING JULY 1, 2010

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VM= Voting Member

Ch = Chair

VC = Vice Chair

T = Treasurer

S = Secretary