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SOLID WASTE ASSOCIATION
of North America

CALIFORNIA CHAPTERS

FOUNDING

SIERRA

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LEGISLATIVE TASK FORCE

www.swanacal-leg.org

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MINUTES
SWANA CALIFORNIA LEGISLATIVE TASK FORCE MEETING
SACRAMENTO, CA

September 1, 2011

By: Mark Urquhart, Secretary

The Legislative Task Force (LTF) phone call meeting started at about 10:00 AM. A quorum was present as there were 8 voting members present (including an alternate) and at least one voting member from each chapter (quorum only present for part of meeting). The agenda is Attachment A. A list of the attendees is Attachment B. The items from the agenda below were not all discussed in the order listed.

I. BUSINESS ITEMS AND LTF ACTIVITIES

Approval of Minutes from August 4, 2011 LTF Telephone Meeting:

Lisa Wood asked for comments on these minutes. There were none. She asked for a motion to approve the minutes.

Motion:

A motion was made by Mike Mohajer and seconded by Constance Hornig to approve the minutes from the August 4, 2011 phone conference meeting. The motion carried, as all were in favor.

Treasurer's Update

Nancy Ewert discussed the August treasurer's report (Attachment C). She said that there is a balance currently of about \$47,089 as she has continues to receive checks from donations to LTF. The SWANA MOLO course contribution came in at \$2,300, below the 5,000 in LTF budget. However, the Western Regional Symposium LTF contribution (may come in at about \$12k) and SWANA membership dues portion to the LTF are both coming in a little bit better than budgeted. Nancy Ewert said she expects that LTF may end up with revenues about \$4k higher than the budget and \$5k less in expenses. However, she expects that the LTF would still need to draw down some amount even if less than about the \$12k drawdown previously expected.

Motion:

A motion was made by Mike Mohajer and seconded by Mark Bowers to approve the August Treasurer's report. The motion carried, as all were in favor.

Newsletter

It was discussed that Jason Schmelzer may include additional items about upcoming things instead of past reporting. It was also discussed that LTF concerns and positions about the bills could be included. For example the lack regulatory agency coordination could be discussed.

Other

Lisa Wood asked that Jason Schmelzer add the arrangements for the December LTF workshop to the next meeting agenda as the LTF will need to discuss and plan to make reservations for that event.

II. LEGISLATION

The following were discussed (note that discussions on AB 341 were started, held and then restarted after a quorum was present).

AB 341 (Chesbro) – Solid Waste: Diversion (Amendments not yet in print) OPPOSE

Jason Schmelzer said that the bill was amended coming out of committee. There are amendments being considered that may change the CalRecycle role in the process. Jason Schmelzer mentioned that some business community members are nervous about the bill regarding enforcement of the stated goal. There are amendments that will address the LTF concern over scheduling of implementation of commercial recycling. Some amendments are in print and some are pending.

It was discussed that language had changes to provide “intent” language (“policy”) after removing the word “ensure”. Concerns were discussed that CalRecycle uses “policy” objectives to justify enforcement measure and procedures. It was discussed that the bill specifically will not allow enforcement by CalRecycle to force a diversion rate that is above 50%. However, the LTF has concerns that this bill would get a “foot in door” for a 75% diversion mandate in the future. Even though the bill is stated as only establishing a “policy” it would put CalRecycle in a position to do more enforcement. However, there was considerable discussion that during amendments the bill has been stripped to a policy bill with CalRecycle enforcement limitations stated in the bill.

There was a long debate on the pros and cons of the bill. A quorum was not present and discussions were suspended until later in the meeting after a quorum was present. It was noted that this bill is moving quickly and with limited time the best that the LTF may be able to do is lobby the author’s office verbally as the time for letters to the legislature has passed and the best that might be possible for a letter would be to the governor. This was discussed because if the LTF were to move to a neutral position if still wants to be able to voice concerns on the record about the lack of “tools” available to local government (for example diversion credit for Conversion Technology) and the need to enhancing domestic markets for recyclables. These concerns have been consistently voices in the past on this bill and prior proposed diversion bills.

Later during the meeting, Constance Hornig joined the meeting to provide a quorum. A lot of additional discussion took place. Sharon Green point out that prior 8/20/10 version of AB 737 had some language (page 8 line 4) that CalRecycle report to legislature must include the cost for strategies to increase diversion.

Motion:

Constance Hornig made a motion that the LTF, through Jason Schmelzer, should discuss with the author that the LTF would remove its opposition to a Neutral position if a clause were added to the bill that stated/listed “8) public and private tools for local jurisdictions to achieve the state policy, their projected costs and implementation schedule”; and also if the “odor” language from (from AB 34) was not included in the bill. Sharon Green seconded the motion and all were in favor

AB 408 (Weickowski) – Environment: Hazardous Substances and Materials REVIEW AND DISCUSS

Jason Schmelzer said the bill passed off assembly floor and it is too late for a letter from LTF. The bill is positive and the LTF could send letter to governor’s office later as it will probably pass.

AB 1178 (Ma) – Solid Waste: Place of Origin OPPOSE

Jason Schmelzer explained that the bill was held in the Senate EQ Committee. He said the author amended the bill after the bill was amended by Senate EQ and this upset the committee. The author then did not have the votes to pass the bill. This has therefore become a two-year bill.

SB 567 (DeSaulnier) – Recycling: Plastic Products SUPPORT

Jason Schmelzer said that this bill could be taken up today.

SB 568 (Lowenthal) – Recycling: Polystyrene Food Containers SUPPORT

Jason Schmelzer said this bill could be taken up today. The bill almost did not make it out of committee but Jason Schmelzer said he expects that the bill will make it out of the Senate.

SB 833 (Vargas) – Solid Waste: Facilities Permit OPPOSE

Jason Schmelzer said that the bill passed the Assembly by a 70 to 1 vote. He explained there was an unrelated bill regarding the tribes that got killed and both parties wanted to get out of the way of further disputes on bills regarding the tribes. It was decided that the LTF will send an opposition bill to the governor. Jason Schmelzer said he recommends a detailed letter because Governor Brown does get into details. The LTF will work with Jason Schmelzer on language for that letter.

III. REGULATORY MATTERS

Carpet Stewardship and Recycling – September 8, 2011 CalRecycle Hearing

Mike Mohajer said he will attend hearing and re-circulate a letter that the Los Angeles County Task Force has sent on the issue.

Proposed Architectural Paint Stewardship Regulations

The comment period will be closing 9/5/2011 and there will be a public hearing on 9/8/2011. Mike Mohajer discussed that the way the process has gone that local government has not been allowed to be involved properly in the process regarding programs needed on the local level. Constance Hornig discussed that costs are going to be passed on to the consumer and it will be costly for the industry and consumers.

It was discussed that Mike Mohajer could share his letter for LTF to review and use. It was discussed that there may not be adequate time for the LTF to develop and submit a letter given the deadline.

SWRCB Fees – Emergency Regulations

Sharon Green said Larry Sweetser has been leading things for the LTF but he could not be on call. Sharon Green said that there was a stakeholder meeting. She had circulated the July draft regulations to LTF, which is pretty close to what is still being discussed. Under the Water Code the fees would be adopted under emergency regulations with only one week review, which will be difficult to be aware of or respond to. Stakeholders will try to get input for next year's fee schedule basis. They are expected to be moved to for adoption in late this month (September).

IV. ADJOURNMENT

The meeting was adjourned about 12:00 PM.

SWANA Legislative Task Force Meeting Agenda

Thursday, September 1, 2011 // 10:00 A.M. – 12:00 P.M.

Conference Call Line: 800-867-2581 // Code: 1006105

I. Business Items

- a. Next Meeting (conference call) – Thursday, October 6, 2011
- b. Approval of August 2, 2011 Meeting Minutes (Attached)
- c. Treasurer's Update
- d. SWANA Quarterly Newsletter

II. Legislative Items

- a. [AB 341 \(Chesbro\) – Solid Waste: Diversion](#) (Amendments not yet in print) **OPPOSE**
- b. [AB 408 \(Weickowski\) – Environment: Hazardous Substances and Materials](#) **REVIEW AND DISCUSS**
- c. [AB 1178 \(Ma\) – Solid Waste: Place of Origin](#) **OPPOSE**
- d. [SB 567 \(DeSaulnier\) – Recycling: Plastic Products](#) **SUPPORT**
- e. [SB 568 \(Lowenthal\) – Recycling: Polystyrene Food Containers](#) **SUPPORT**
- f. [SB 833 \(Vargas\) – Solid Waste: Facilities Permit](#) **OPPOSE**

III. Regulatory Items

- a. Carpet Stewardship and Recycling – September 8, 2011 CalRecycle Hearing
- b. [Proposed Architectural Paint Stewardship Regulations](#)
 - i. Comment period closing 9/5/2011
 - ii. Public hearing 9/8/2011
- c. SWRCB Fees – Emergency Regulations

ATTENDANCE LIST
SWANA LEGISLATIVE TASK FORCE MEETING SEPTEMBER 1, 2011

VOTING MEMBER CHAPTER	NAME	ORGANIZATION	PHONE	EMAIL
VM/Gold Rush	Mark Urquhart (S)	HDR Engineering, Inc.	916-817-4933	mark.urquhart@hdrinc.com
VM/Gold Rush	Christina Hanson	Placer County	530-886-4965	CHanson@placer.ca.gov
VM/Gold Rush	Mark Bowers	City of Sunnyvale	408- 730-7421	mbowers@ci.sunnyvale.ca.us
Gold Rush	Sean Bigley	City of Roseville		
Gold Rush	Allison Hudson	San Joaquin County	209-468-3066	
VM/Founding	Mike Mohajer	Southern California Waste Management Forum	909-592-1147	mikemohajer@yahoo.com
VM/Founding	*Constance Hornig	Law Offices	323-934-4601	hornigesq@comcast.net
VM/Founding	Lisa Wood (VC)	City of San Diego	858-573-1236	lfwood@sandiego.gov
ALT VM/Founding	Sharon Green	LA County Sanitation Districts	562-699-7411	sgreen@lacsds.org
VM/Sierra	Nancy Ewert (T)	Kern County	661-862-8953	nancye@co.kern.ca.us
Founding	David Tieu	OC Waste and Recycling	714-834-4064	David.Tieu@ocwr.ocgov.com
<i>SWANA CA Chapters Legislative Assistant</i>	<i>Jason Schmelzer</i>	<i>Shaw / Yoder/Antwih Inc.</i>	<i>916-446-4656</i>	Jason@shawyoderantwih.com

SWANA LEGISLATIVE TASK FORCE - 2011 BUDGET			
August 2011 Treasurer's Report			
BEGINNING ACCOUNT BALANCE - 1/1/2011	\$ 52,010.88		
Release from Reserves	\$ 12,920.00		
Starting Cash Balance	\$ 39,090.88		
REVENUES			
	Annual	Monthly	YTD
DUES SURCHARGE (\$30 / MEMBER)	\$ 21,000.00		
Jan Dues		\$1,530.00	
Feb Dues		\$1,470.00	
Mar Dues		\$1,590.00	
Apr Dues		\$4,230.00	
May Dues		\$1,260.00	
June Dues		\$1,200.00	
July Dues		\$930.00	
Aug Dues		\$2,130.00	
Sept Dues			
Oct Dues			
Nov Dues			
Dec Dues			\$14,340.00
WESTERN REGIONAL SYMPOSIUM	\$ 7,500.00		
			\$0.00
MOLO COURSE REVENUES	\$ 5,000.00		
			\$0.00
AGENCY CONTRIBUTIONS	\$ 15,000.00		
CH2MHill			
Kern County		\$500.00	
San Joaquin County			
City of Folsom		\$750.00	
Merced County		\$1,000.00	
LA County		\$2,500.00	
City of Sunnyvale		\$750.00	
City of San Diego		\$2,500.00	
Monterey RWMD		\$2,000.00	
Placer County			
City of Tulare		\$750.00	
Salinas IWMA		\$1,500.00	\$12,250.00
INTEREST	\$ 20.00		
Jan-11		\$0.43	
Feb-11		\$0.40	
Mar-11		\$0.46	
Apr-11		\$0.38	
May-11		\$0.40	
Jun-11		\$0.36	
Jul-11		\$0.34	
Aug-11		\$0.39	
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$3.16
RELEASE FROM RESERVES	\$12,920.00		
			\$0.00
TOTAL BUDGETED REVENUES	\$ 61,440.00		\$26,593.16

EXPENSES			
	Annual	Monthly	YTD
REGULATORY REVIEW	\$ 12,000.00		
Jan-11		\$1,000.00	
Feb-11		\$1,000.00	
Mar-11		\$1,000.00	
Apr-11		\$1,000.00	
May-11		\$1,000.00	
Jun-11		\$1,000.00	
Jul-11		\$1,000.00	
Aug-11			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$7,000.00
SHAW / YODER, INC. CONTRACT	\$ 38,940.00		
	Cashed		
Jan-11	3/29/2011	\$3,245.00	
Feb-11	3/29/2011	\$3,245.00	
Mar-11	4/14/2011	\$3,245.00	
Apr-11	5/16/2011	\$3,245.00	
May-11	7/11/2011	\$3,245.00	
Jun-11	7/18/2011	\$3,245.00	
Jul-11	8/10/2011	\$3,245.00	
Aug-11			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$22,715.00
SHAW / YODER, INC. ADMIN. EXPENSES	\$ 2,000.00		
Jan-11		\$45.00	
Feb-11		\$45.00	
Mar-11		\$45.00	
Apr-11		\$45.00	
May-11		\$45.00	
Jun-11		\$45.00	
Jul-11		\$45.00	
Aug-11			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$315.00
WEBSITE DEV/MAINTENANCE & ROSTER	\$ 1,000.00		
Jan-11		\$0.00	
Feb-11		\$0.00	
Mar-11		\$20.00	
Apr-11		\$0.00	
May-11		\$0.00	
Jun-11		\$0.00	
Jul-11		\$50.00	
Aug-11			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$70.00
MTGS/TELECONFERENCE/WORKSHOP	\$ 3,500.00		
Jan-11		\$0.00	
Feb-11		\$0.00	
Mar-11		\$167.60	
Apr-11		\$327.40	
May-11		\$255.12	
Jun-11		\$0.00	
Jul-11		\$78.33	
Aug-11			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$828.45
CONTINGENCIES / SPECIAL PROJECTS	\$ 4,000.00		
SWANA WRS		\$336.59	
	8/8/2011	\$250.00	\$586.59
TOTAL BUDGETED EXPENSES	\$ 61,440.00		\$31,515.04
August Account Balance			\$47,089.00
PROJECTED CARRY OVER TO 2012	\$ 39,090.88		