



**SWANA**<sup>®</sup>

SOLID WASTE ASSOCIATION  
of North America

**CALIFORNIA CHAPTERS**

FOUNDING

SIERRA

GOLDRUSH

**LEGISLATIVE TASK FORCE**

www.swanacal-leg.org

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

**May 5, 2011**

**By: Mark Urquhart, Secretary**

The Legislative Task Force (LTF) in-person meeting started at about 10:00 AM. A quorum was present as there were 12 voting members present and at least one voting member from each chapter. 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 April 7, 2011 LTF Telephone Meeting:***

William Merry asked for comments on these minutes. Mike Mohajer and Glenn Acosta noted that the sentence on page 2 stating *LA County sent a similar letter*, should be stricken. David Tieu noted a typographical error on page 3 and that his name should be added to the attendance list.

***Motion:***

A motion was made by Mike Mohajer and seconded by Nancy Ewert to approve the minutes from the April 7, 2011 phone call with the corrections noted above. The motion carried, as all were in favor.

***Treasurer's Update***

Nancy Ewert discussed the treasurer's reports in Attachment C for April 2011. She said the LTF fund looks good with balance of \$47,794 as of May 1, 2011. Membership dues received in April were about \$4,000. It was discussed that Agency LTF fiscal contribution requests are normally sent out in May.

William Merry discussed that Nancy Ewert has analyzed why LTF recently was drawing on reserves. It was discussed that LTF needs to continue with both legislative and regulatory work in the future and maybe needs to solicit contributions from more agencies to continue to fund the LTF. William Merry asked Nancy Ewert to send the LTF budget analysis of use of reserves to the three California Chapter presidents. He discussed that the officers had exchanged some email comments to the Nancy Ewert report and asked Mark Urquhart to circulate that email string to the issue to LTF members.

***Motion:***

A motion was made by Mike Mohajer and seconded by Lisa Wood to approve the April Treasurer's reports. The motion carried, as all were in favor.

***Next LTF Meeting Date***

The next meeting will be a short meeting at the SWANA Western Regional Symposium on May 18, 2011 in Seaside. The subsequent LTF meeting will be a telephone conference call on June 2, 2011 from 10AM to noon.

## **SWANA Western Regional Symposium (WRS)**

Tressa Wallace discussed that the LTF meeting at WRS will be short (Wednesday 4:15 to 5:30PM) and reserved to discuss the status of key bills and regulations. It was discussed that there may be travel restriction for CalRecycle (CR) staff to attend. William Merry suggested that Tressa Wallace invite Howard Levinson and Mark Leary to attend WRS, even if they may not be able due to travel restrictions.

### **Annual Meeting**

The meeting will be held December 2 and 3, 2011 (Friday and Saturday) in Monterey. William Merry will look in to the hotel as he is debating trying to get the best rates.

## **II. LEGISLATION**

### **AB 34 (Williams) Solid waste: compost market program**

[http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_0001-0050/ab\\_34\\_bill\\_20110414\\_amended\\_asm\\_v98.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0001-0050/ab_34_bill_20110414_amended_asm_v98.pdf)

Tressa Wallace said that she sent out very latest amendment version she just obtained morning of LTF meeting so not sure if anyone had chance to review. Tressa Wallace has been contacted by sponsor of bill that wants to help composting industry. The author points out that the odor standard is “voluntary”. The latest amendments include CR issuing regulations, versus previous version indicating guidance. A provision has been added to measure at businesses in addition to residences.

The LTF discussed concerns which included the following:

- Two agencies (air and solid waste) enforcing at mixed facilities.
- In the future this could set precedent that CR may want to implement similar requirements state-wide later with a lower numerical limit; or it could even evolve into a CEQA significance limit later.
- Numerical methods can still not detect the source if there are multiple sources in the area.
- Previous law prohibits multiple agencies from regulating the same issue; so it is not clear how this bill would work as CR regulations also involve the air boards at some facilities.
- Odors can be temporary in nature and the instrument will not distinguish this or the source.
- Why should solid waste composting facilities only have a numerical limit applied whereas other facilities (Landfills, agricultural, other) in the same area would not be subject to a similar standard? It was noted that this is voluntary, but numerical standards still presents the issue of distinguishing neighboring facilities or inequities if expanded to not be voluntary in the future.

Glenn Acosta recommended taking a “concern” position rather than oppose given many of these issues. It was noted that there could be benefit to this bill for conditions where one has subjective complaints by nearby residents that may or may not be founded; in particular if it is only voluntary.

#### *Motion:*

A motion was made by Glenn Acosta and seconded by Nancy Ewert to take a **concerns** position on this bill and have Tressa Wallace articulate these concerns to the author’s office. This motion passed as all were in favor.

### **AB 341 (Chesbro) Solid waste: diversion**

[http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_0301-0350/ab\\_341\\_bill\\_20110406\\_amended\\_asm\\_v98.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0301-0350/ab_341_bill_20110406_amended_asm_v98.pdf)

Tressa Wallace noted that the bill update passed out of committee on 5-3-1 vote. It was discussed that the LTF needs to think about a position if the bill ends up with the latest version last year, which included a 60% diversion goal by 2013 with CR coming up with report and recommendations to the legislature on how to move further to 75% diversion by 2020. Mike Mohajer noted a lot of legislative findings up front that are directly opposed to the LTF white paper on the economic and other issues of raising the diversion goal or mandate. It was noted that California Resource Recovery Association wanted that specific findings language in the bills that the LTF is opposed to. It was also discussed that CR being given more money to research this issue is another negative given that funds are limited on all governmental levels and this could be better spent on technical support or facilitative programs.

Tressa Wallace noted that the author's office discussed combining AB 341 with AB 818, which is in regarding to multifamily housing recycling, which the LTF supports. She said that she told the author's office that the LTF would oppose that given the concerns with AB 341. It was decided that the LTF will still retain an **oppose** position on AB 341.

**AB 508 (Swanson) Displaced public transit, solid waste handling, and recycling services employees**

[http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_0501-0550/ab\\_508\\_bill\\_20110215\\_introduced.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0501-0550/ab_508_bill_20110215_introduced.pdf)

Tressa Wallace noted that this bill is on the suspense file. The LTF will maintain a **watch** position and wait until next meeting to discuss further.

**AB 1178 (Ma) Solid waste: place of origin**

[http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_1151-1200/ab\\_1178\\_bill\\_20110404\\_amended\\_asm\\_v98.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1151-1200/ab_1178_bill_20110404_amended_asm_v98.pdf)

Tressa Wallace said she had circulated the new amendments in morning just prior to LTF meeting. She said she attended the bill hearing and there was a good deal of both support and opposition at hearing. Specific facilities concerns were raised regarding controlling the amount of tonnage to not have permit problems or not having control over tonnage to limit diminished capacity for the host jurisdiction. Amendments have been included to address those issues. The LTF discussed that the bill amendments that discuss both de-limiting importation yet maintaining local land use restrictions sound contradictory and are confusing. The arguments brought up also appear to be based on the targeting specific jurisdiction origins of waste. It was discussed that bill is more complex than it needs to be. Tressa Wallace pointed out that this version is what will go to Appropriations committee in May. Constance Hornig noted that this bill should be opposed as it also has conflicts with Federal decisions that allow lower jurisdiction control. In addition to the above issues the LTF generally does not like bill and feels it will lead to litigation.

*Motion:*

A motion was made by Constance Hornig and seconded by Nancy Ewert to **oppose** this bill. This motion passed as 8 were in favor (Mark Bowers left the meeting for a while) and none were opposed. There were three abstentions: Chris Hanson, Glenn Acosta, and John Gulledge.

**SB 515 (Corbett) Recycling: product stewardship: batteries: universal waste management facilities**

[http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb\\_0501-0550/sb\\_515\\_bill\\_20110502\\_amended\\_sen\\_v98.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0501-0550/sb_515_bill_20110502_amended_sen_v98.pdf)

The LTF discussed maintaining the **support** position on this bill.

**SB 833 (Vargas) Solid waste: facilities permit**

[http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb\\_0801-0850/sb\\_833\\_bill\\_20110425\\_amended\\_sen\\_v98.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0801-0850/sb_833_bill_20110425_amended_sen_v98.pdf)

Tressa Wallace discussed that she went to the committee hearing on this bill and Senator Vargas drove to the planned landfill site on Native American ground and thought it was horrible location for landfill. Tressa Wallace noted that this particular landfill has been planned for 16 years and it is ironic that the planned landfill use of major concern to impacts on sacred ground is very close (on the other side of the hill) to an existing casino on the same tribal land.

It was discussed at the hearing that this bill would overturn two local votes and that the author does not represent project area. Tressa Wallace said that there was not much opposition at hearing but she testified that the LTF **opposed** to this bill because it usurps local control and the LTF also does not support legislation addressing site specific local project concerns using statewide legislation. The bill passed out of committee.

**SB 841 (Wolk) Solid waste: enterprises: contracts**

[http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb\\_0801-0850/sb\\_841\\_bill\\_20110502\\_amended\\_sen\\_v97.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0801-0850/sb_841_bill_20110502_amended_sen_v97.pdf)

Constance Hornig discussed that newly amended version incorporates most of League comments. Constance Hornig is **working with the League of California Cities** and authors office on comments.

**After Agenda - AB 514 (Hernandez)** [http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_0501-0550/ab\\_514\\_bill\\_20110427\\_amended\\_asm\\_v97.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0501-0550/ab_514_bill_20110427_amended_asm_v97.pdf)

Assembly Labor and Employment Committee analysis - [http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_0501-0550/ab\\_514\\_cfa\\_20110502\\_153308\\_asm\\_comm.html](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0501-0550/ab_514_cfa_20110502_153308_asm_comm.html)

Tressa Wallace discussed that this bill would require waste from C&D sites be transported using prevailing wages for drivers. It was discussed that there are tracking logistical issues with the myriad of projects that could be involved and landfills and those projects that involve landfills on one end might be considered construction sites and brought into this project umbrella under this bill. It was discussed that the LTF should oppose this bill given additional project costs.

*Motion:*

A motion was made by Constance Hornig and seconded by Nancy Ewert to **oppose** this bill. This motion passed as all were in favor except for abstention by Lisa Wood. Nancy Ewert will help Tressa Wallace compose the opposition letter.

**III. REGULATORY MATTERS**

***Water Board Storm Water Regulations***

Tressa Wallace noted that the LTF has cosigned three industry letters on this issue. The comment period just closed and the LTF is waiting to hear responses. She noted that there are even some legislators that have opposed the regulations.

## *CalRecycle*

Tressa Wallace mentioned that carpet stewardship regulations are still being drafted. Larry Sweetser noted that even though the closure loan program has had no recent activity RCRC may sponsor legislation to extend the loan program as it could still be useful. Mike Mohajer brought up a concern that draft carpet regulations would prohibit disposal at transformation facilities. Tressa Wallace will work with Mike Mohajer on language of a letter addressing that issue.

### Plasco Issue:

It was discussed that Plasco is seeking a clarification from CR on the classification of their proposed facility as a gasification facility. A coalition of environmental group's letter is requested that John Laird (Secretary of California Natural Resources Agency) overturn a CR interpretation. The environmental coalition stated that current law requires "no discharges of air contaminants or emissions". The group letter opposes the CR interpretation of the language as "produces no discharges **in excess of standards**"; which the group claimed does not comply with the law.

A letter from David Roberti to the president pro Tem of the Senate in response to a letter from Kip Lipper to the governor had been circulated to the LTF. The letter by Mr. Roberti criticized the Kip Lipper letter because it purports a standard for facilities that would require "no emissions"; which is a theoretically impossible conditions.

Mike Mohajer discussed that no type of facility can comply with this standard so why should gasification or other CT facilities be required to meet such an impossible "no emission" standard when no other types of facility in the world must meet this. He discussed that prior CIWMB determination was that if CT facilities that can meet current emissions standards they could be permitted.

It was decided that Tressa Wallace, with assistance from Mark Urquhart, will draft a letter for LTF review that attaches the Roberti letter and supports those general concerns. It was noted that the LTF letter will specifically clearly state that it is not in support of any particular project, such as the Plasco project as discussed in the Roberti letter; but supports the concept of that letter that the "no emissions" requirement for certain types of CT facilities to be classified and permitted should be applied per the CR determination because a "standard of "no emissions" is unfair compared to any other industry standard and impossible to meet for any facility. The letter would be copied to all that were copied on the Roberti letter to Kip Lipper.

## **IV. ADJOURNMENT**

The meeting was adjourned about 12:06 PM.

**SWANA LTF AGENDA**

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

**THURSDAY, May 5th 10:00 P.M. – 12:00 P.M.**

**I. Business Items**

- Next Meeting Date – in person (WRS May 18<sup>th</sup>) Conference call June 2nd
- Approval of Minutes (April)
- Treasurer's Update (April)
- Other
  - Western Regional Symposium
  - Annual Meeting

**II. Legislative Matters (Bill Matrix attached)**

**AB 34 (Williams) Solid waste: compost market program**

[http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_0001-0050/ab\\_34\\_bill\\_20110414\\_amended\\_asm\\_v98.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0001-0050/ab_34_bill_20110414_amended_asm_v98.pdf)

Committee Analysis - [http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_0001-0050/ab\\_34\\_cfa\\_20110429\\_115016\\_asm\\_comm.html](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0001-0050/ab_34_cfa_20110429_115016_asm_comm.html)

**AB 341 (Chesbro) Solid waste: diversion**

[http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_0301-0350/ab\\_341\\_bill\\_20110406\\_amended\\_asm\\_v98.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0301-0350/ab_341_bill_20110406_amended_asm_v98.pdf)

**AB 508 (Swanson) Displaced public transit, solid waste handling, and recycling services employees.**

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**AB 1178 (Ma) Solid waste: place of origin**

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**SB 515 (Corbett) Recycling: product stewardship: batteries: universal waste management facilities**

[http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb\\_0501-0550/sb\\_515\\_bill\\_20110502\\_amended\\_sen\\_v98.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0501-0550/sb_515_bill_20110502_amended_sen_v98.pdf)

**SB 833 (Vargas) Solid waste: facilities permit**

[http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb\\_0801-0850/sb\\_833\\_bill\\_20110425\\_amended\\_sen\\_v98.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0801-0850/sb_833_bill_20110425_amended_sen_v98.pdf)

**SB 841 (Wolk) Solid waste: enterprises: contracts**

[http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb\\_0801-0850/sb\\_841\\_bill\\_20110502\\_amended\\_sen\\_v97.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0801-0850/sb_841_bill_20110502_amended_sen_v97.pdf)

**III. Regulatory Matters**

**Water Board – Proposed Industrial Stormwater permit**

- SWISP and Local Government letters (see attachments)

**CalRecycle**

- May meeting May 17<sup>th</sup>, agenda not available yet
- Plasco issue (see email dated 4/27/11)

**ATTENDANCE LIST  
SWANA LEGISLATIVE TASK FORCE MEETING APRIL 7, 2011**

<b>VOTING MEMBER CHAPTER</b>	<b>NAME</b>	<b>ORGANIZATION</b>	<b>PHONE</b>	<b>EMAIL</b>
VM/Gold Rush	William Merry (Ch)	Monterey RWMD	831-384-5313	<a href="mailto:wmerry@mrwmd.org">wmerry@mrwmd.org</a>
VM/Gold Rush	Mark Urquhart (S)	HDR Engineering, Inc.	916-817-4933	<a href="mailto:mark.urquhart@hdrinc.com">mark.urquhart@hdrinc.com</a>
VM/Gold Rush	Christina Hanson	Placer County	530-886-4965	<a href="mailto:CHanson@placer.ca.gov">CHanson@placer.ca.gov</a>
VM/Gold Rush	Larry Sweetser	Sweetser and Associates/ESJPA	510-703-0898	<a href="mailto:sweetser@aol.com">sweetser@aol.com</a>
VM/Gold Rush	Mark Bowers	City of Sunnyvale	408- 730-7421	<a href="mailto:mbowers@ci.sunnyvale.ca.us">mbowers@ci.sunnyvale.ca.us</a>
VM/Founding	Glenn Acosta	LA County Sanitation Districts	562-699-7411	<a href="mailto:gacosta@lacsdsd.org">gacosta@lacsdsd.org</a>
Gold Rush	Jami Aggers	Stanislaus County	(209) 525-6768	
VM/Founding	Mike Mohajer	Southern California Waste Management Forum	909-592-1147	<a href="mailto:mikemohajer@yahoo.com">mikemohajer@yahoo.com</a>
VM/Founding	John Gullede	LA County Sanitation Districts	562-699-7411 ext 2401	<a href="mailto:jgullede@lacsdsd.org">jgullede@lacsdsd.org</a>
VM/Founding	Constance Hornig	Law Offices	323-934-4601	<a href="mailto:hornigesq@comcast.net">hornigesq@comcast.net</a>
VM/Founding	Lisa Wood (VC)	City of San Diego	858-573-1236	<a href="mailto:lfwood@sandiego.gov">lfwood@sandiego.gov</a>
Founding	David Tieu	OC Waste and Recycling	714-834-4064	<a href="mailto:David.Tieu@ocwr.ocgov.com">David.Tieu@ocwr.ocgov.com</a>
VM/Sierra	Nancy Ewert (T)	Kern County	661-862-8953	<a href="mailto:nancye@co.kern.ca.us">nancye@co.kern.ca.us</a>
VM/Sierra	Jim Babcock	Malcolm Pirnie, Inc.	510-301-5063	<a href="mailto:jbabcock@pirnie.com">jbabcock@pirnie.com</a>
<i>SWANA CA Chapters Legislative Assistant</i>	<i>Tressa Wallace</i>	<i>Shaw / Yoder Inc.</i>	<i>916-446-4656 Ext. 1025</i>	<a href="mailto:Tressa@shawyoder.org">Tressa@shawyoder.org</a>

**SWANA LEGISLATIVE TASK FORCE - 2011 BUDGET****April 2011 Treasurer's Report**

<b>BEGINNING ACCOUNT BALANCE - 1/1/2011</b>	<b>\$ 52,010.88</b>		
Release from Reserves	\$ 12,920.00		
Starting Cash Balance	<b>\$ 39,090.88</b>		
<b>REVENUES</b>			
	<b>Annual</b>	<b>Monthly</b>	<b>YTD</b>
<b>DUES SURCHARGE (\$30 / MEMBER)</b>	<b>\$ 21,000.00</b>		
Jan Dues		\$1,530.00	
Feb Dues		\$1,470.00	
Mar Dues		\$1,590.00	
Apr Dues		\$4,230.00	
May Dues			
June Dues			
July Dues			
Aug Dues			
Sept Dues			
Oct Dues			
Nov Dues			
Dec Dues			\$8,820.00
<b>WESTERN REGIONAL SYMPOSIUM</b>	<b>\$ 7,500.00</b>		
			\$0.00
<b>MOLO COURSE REVENUES</b>	<b>\$ 5,000.00</b>		
			\$0.00
<b>AGENCY CONTRIBUTIONS</b>	<b>\$ 15,000.00</b>		
CH2MHill			
Kern County			
San Joaquin County			
City of Folsom			
Merced County			
LA County			
City of Sunnyvale			
City of San Diego			
Monterey RWMD			
Placer County			
LA City			
Salinas IVMA			\$0.00
<b>INTEREST</b>	<b>\$ 20.00</b>		
Jan-11		\$0.43	
Feb-11		\$0.40	
Mar-11		\$0.46	
Apr-11		\$0.38	
May-11			
Jun-11			
Jul-11			
Aug-11			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$1.67
<b>RELEASE FROM RESERVES</b>	<b>\$12,920.00</b>		
			\$0.00
<b>TOTAL BUDGETED REVENUES</b>	<b>\$ 61,440.00</b>		<b>\$8,821.67</b>

<b>EXPENSES</b>			
	<b>Annual</b>	<b>Monthly</b>	<b>YTD</b>
<b>REGULATORY REVIEW</b>	\$ 12,000.00		
Jan-11		\$1,000.00	
Feb-11		\$1,000.00	
Mar-11		\$1,000.00	
Apr-11			
May-11			
Jun-11			
Jul-11			
Aug-11			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$3,000.00
<b>SHAW / YODER, INC. CONTRACT</b>	\$ 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			
May-11			
Jun-11			
Jul-11			
Aug-11			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$9,735.00
<b>SHAW / YODER, INC. ADMIN. EXPENSES</b>	\$ 2,000.00		
Jan-11		\$45.00	
Feb-11		\$45.00	
Mar-11		\$45.00	
Apr-11			
May-11			
Jun-11			
Jul-11			
Aug-11			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$135.00
<b>WEBSITE DEV/MAINTENANCE &amp; ROSTER</b>	\$ 1,000.00		
Jan-11			
Feb-11			
Mar-11			
Apr-11			
May-11			
Jun-11			
Jul-11			
Aug-11			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$0.00
<b>MTGS/TELECONFERENCE/WORKSHOP</b>	\$ 3,500.00		
Jan-11			
Feb-11			
Mar-11		\$167.60	
Apr-11			
May-11			
Jun-11			
Jul-11			
Aug-11			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$167.60
<b>CONTINGENCIES / SPECIAL PROJECTS</b>	\$ 4,000.00		
			\$0.00
<b>TOTAL BUDGETED EXPENSES</b>	<b>\$ 61,440.00</b>		<b>\$13,037.60</b>
<b>April Account Balance</b>			<b>\$47,794.95</b>
<b>PROJECTED CARRY OVER TO 2012</b>	<b>\$ 39,090.88</b>		