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CALIFORNIA CHAPTERS

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LEGISLATIVE TASK FORCE

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

March 6, 2008

By: Mark Urquhart, Secretary

The Legislative Task Force (LTF) meeting started at about 10:00 AM. A quorum was present as there were 13 voting members present, including alternate voting members, and at least one voting member from each chapter. A list of people that participated is in Attachment A. The agenda is Attachment B¹. The items from the agenda below were not all discussed in the order listed.

I. BUSINESS ITEMS AND LTF ACTIVITIES

Approval of Minutes from February 7, 2008 LTF Telephone Meeting

Grace Chan asked if there were any comments on these minutes. There were none.

Motion:

Mike Mohajer made a motion to approve the minutes. William Merry seconded the motion. The motion carried, as all were in favor.

Next Meeting Date

It was discussed that the next meeting will be a telephone meeting on April 3, 2008 at 10:30 AM until noon.

Treasurer's Report

Nancy Ewert said that the balance as of the end of February was \$49,199.95, according to the report in Attachment C.

Motion:

John Gullede made a motion to approve the treasurer's report for February 2008. Mike Mohajer seconded the motion. The motion carried, as all were in favor.

II. LEGISLATIVE MATTERS

Paul Yoder discussed select bills on the bill matrix distributed with the agenda.

AB 2030 – DROP - LTF will drop this bill from the list of those tracked.

AB 2058 – SUPPORT - There were some concerns expressed about plastic bag banning versus other materials but since the bill focuses on requiring a retailer/producer recycling take-back program the LTF decided to support the bill.

¹ Handouts at the meeting (not attached) included [1] *Greenhouse Gas Emission Factors from Permitted Landfills within the BAAQMD* [2] information on CIWMB survey and workshop on organic waste facilities [3] Solid Waste Industry for Climate Solutions (letter 2/26/08 to CARB on ETAAC Report) [4] 3/5/08 SFGate.com on global warming [5] 3/3/08 letter from Sierra Club on AB 2347 [6] Technical Paper, Impact of MSW Management on GHG in US, September 2002, Journal of Air and Waste Management Association [7] PowerPoint Presentation by SCS/CWIMB on Technologies and Management Practices for Reducing GHG Emissions from Landfills, February 26, 2008.

AB 2071 – WATCH.

AB 2245 – WATCH.

AB 2347 – SUPPORT WITH COMMENTS - This bill would require a collection program by retailers for mercury switches. The LTF supports the concept, however, will submit comments indicating that mailing materials for recycling and other counterproductive measures (environmental impacts and cost of methods) should not be included.

AB 2415 – WATCH

AB 2539 – WATCH

AB 2640 – OPPOSE – A long discussion included that the LTF will send an oppose letter citing the following issues and need for more research in some areas, which may indicate that a ban ADC and other organic materials in landfills is not appropriate. The issues discussed included but were not limited to:

- Carbon footprint for rural and many other jurisdictions needs to be considered recognizing that there is a lack of compost facilities or markets for compost.
- Market development is needed along with an understanding of the segment of organics that is not economically or readily composted or processed.
- Consideration of compost quality and lack of markets for low quality material, a considerable amount which is currently managed and processed at landfills.
- Comparison of GHG and other emissions from composting to landfills with LFG control (or LFG control and energy). LASAN will be issuing a study soon on this topic indicating that landfills with LFG control systems can have lesser emissions than is being recognized compared to composting.

It was decided that the LTF would meet with the author's office to discuss the above concerns. It was noted that the bill author's office is open to talk about the bill but has a number of concerns about ADC diversion credit including the fact that he is opposed to any separate green waste collection materials being used for ADC and being given diversion credit.

AB 2656 – SUPPORT – Regarding recycling of single use beverage container tops.

AB 2679 – WATCH – Spot bill.

AB 2695 – WATCH

AB 2829 – SUPPORT – Recycling bill regarding plastic carry-out bags.

AB 2866 – OPPOSE - This bill, sponsored by Waste Management Inc., would impose an increase in landfill tipping fees of \$0.60/ton. Paul Smith of the Regional Council of Rural County's ESJPA discussed that \$0.15 is proposed for hauler collection truck retrofits, \$0.15 is proposed for landfill gas control projects, \$0.15 is proposed for conversion of landfill gas to liquid natural fuel gas projects, and \$0.15 is proposed for closure and postclosure cleanup care for non-responsible sites. The LTF discussed that it does not support landfill tip fee increases to pay for programs that are typically funded by the industry with existing mechanisms and does not support these

specific initiatives because: retrofitting of many trucks has already occurred and private haulers have already been paid for these under contract amendments or they would occur under bidding, conversion of landfill gas to liquid natural gas is a special interest of Waste Management Inc. and there are many other landfill gas or other projects that would not be funded, and public entities that typically cannot dissolve like private corporations should not pay to a fund they will never use, which will end up going to non-responsible private parties that escape their liabilities. It was discussed that some sort of surcharge will probably pass so the LTF will include in the letter a request that funding goes to targeted market development, cleanup of illegal dump sites, or other more worthy projects that can be spread equitably across the public and private solid waste industry. Paul Yoder will draft a letter and circulate it to the LTF for input. Paul Smith indicated that the ESJPA is also similarly opposed to the bill.

SB 1278 – WATCH

SB 1321 – (This bill was not discussed due to timing within the meeting).

SB 1016 – SUPPORT (Potentially with Comments)

Initially, Ania Garbian, from Senator Wiggins office, discussed this bill. She indicated that the bill would use per capita disposal rates as an “indicator” of compliance with AB 939 or subsequent diversion bills. The bill would use a given base year (2006 or average of years) as the basis for a diversion rate and calculation of the associated disposal per capita rate. In subsequent years compliance would be based on the per capita disposal figure as an “indicator” to determine generally if the jurisdiction was in compliance with 50 percent diversion (or the diversion rate required in other future legislation). If the indication is lack of compliance the CIWMB would look into whether the jurisdiction has not fully implemented their SRRE programs, or other reasons for the change or lack of compliance. Ania Garbian indicated that SB 1016 is meant to be a stand alone bill compared to SB 1020, which would require an increase to a 75 percent diversion rate. SB 1016 also streamlines and reduces reporting.

After discussion by Ania Garbian from Senator Wiggins office, CIWMB staff including Elizabeth Huber, Howard Levinson, Mark Leary (Executive Director), and other CIWMB staff attending the meeting. Elizabeth Huber gave a PowerPoint presentation about SB 1016. This was followed by a discussion period. Some of the points that were discussed in the presentation and then afterward during questions from the LTF included:

- SB 1016 would use per capita disposal and indicator and focus on program implementation for compliance
- Reports would be due every four years. Upon discussion, the CIWMB staff indicated that a five year similar to the current review cycle was not included in order to provide staff more time to work on implementation rather than report and compliance review.
- This system would provide a more timely and accurate basis.
- The LTF questioned why economics were not included in the measurement with population. CIWMB staff indicated that economic factors are not available on a timely fashion.
- The LTF questioned that the current language stipulated that the CIWMB would make the decision on what programs are needed to correct deficiencies and not the local agency. The CIWMB staff indicated it is not the intent for the CIWMB to act unilaterally.

- The LTF brought up the concern that if disposal per capita rates vary significantly by jurisdictions in compliance it will raise arguments between jurisdictions. This will be a public relations/education challenge for the CIWMB. The CIWMB recognized that per capita disposal rates can vary significantly for jurisdictions even with similar diversion compliance because of the variance in the makeup of communities.
- The CIWMB staff said they feel this new system will give the CIWMB more latitude in judgment regarding “good faith efforts”.
- The CIWMB staff brought up the example that if a jurisdiction is currently at 60% that the per capita disposal rate could actually increase and not trigger a review of programs if the resulting change did not correlate to the associated diversion rate falling below 50 percent.
- Other discussion points raised by the LTF included the need for more producer responsibility and commercial recycling, particularly if higher diversion rates are enacted (i.e. SB 1020).
- The LTF expressed some concerns that the “toolbox” (available programs and methods to achieve compliance) has not gotten enough discussion.

III. REGULATORY MATTERS

The following regulatory issues were discussed. This did not include all agenda items.

CIWMB Survey On Barriers To Siting Organic Diversion Facilities (deadline extended to 3/7/08)

Tressa Wallace noted that the deadline to respond to the surveys had been extended.

CIWMB March 18, 2008 Board Meeting (Agenda in meeting packet)

Due to timing, this item was not discussed.

The Air Resources Board public workshop on Monday, March 24, 2008 in Sacramento to discuss CARB's draft proposed control measure for reducing landfill methane emissions

It was discussed that the Committee report presented to CARB at its February 28, 2008 meeting included a number of provisions targeting landfills includes increasing tip fees to support composting initiatives and removing organic material from landfills and diversion credit for ADC. Grace Chan again noted that the LASAN would be coming out with a study on the relative emissions from landfills and composting facilities, which would be circulated to the LTF. It was discussed that the LTF needs to get involved with workshops and push to have more science involved in solid waste policy decisions of the CARB, CIWMB and other involved parties.

IV. ADJOURNMENT

The meeting was adjourned about 2:40 PM.

SWANA WTF March 6, 2008
Attendees

| NAME | ORGANIZATION | |
|------------------|-----------------------------|-------------------------------------|
| MARK URECHART | HRR Engineering | Mark.Urechart@hrrinc.com |
| Larry Sweetser | Sweetser & Associates/ESJPA | sweetser@aol.com |
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| Russell Reiserer | City of Palo Alto | russell.reiserer@cityofpaloalto.org |
| JIM BABCOCK | MALEOLM PIRNIE, Inc. | jbabcock@pirnie.com |
| Christina Hanson | Placer Co. | chanson@placer.ca.gov |
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| Grace Chan | " | gchan@lacsdc.org |
| Constance Hornig | Law Offices | Hornig@MSU.edu |
| MIKE MOHATER | LA Co. SW Hearing Board | MIKE.MOHATER@yalwa.com |
| William Merry | M.R.WMD | wmerry@mrwmd.org |
| John Abernethy | SWANA | abernethy@jone.com |
| SCOTT JOHNSTON | MERCED COUNTY | RJOHNSTON@CO.MERCED.CA.US |
| Paul A. Smith | RCRC's ESJPA | psmith@RCRCNET.ORG |
| Nancy Ewert | Kern County | nance@co.kern.ca.us |
| Paul Yoder | Shawl Yoder | paol@shawlyoder.org |
| Tressa Williams | (ii) | |

SWANA LTF AGENDA
THURSDAY, March 6th, 10:00 A.M. – 3:00 P.M.

I. Business Items

- Introductions
- Next Meeting Date
- Approval of Meeting Minutes (attached)
- Approval of Treasurer's Report (attached)

II. Legislative Matters (Bill Matrix attached)

New Legislation

Biodiesel

- AB 2240 (Tran) Use fuel tax: exemption: biodiesel
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2201-2250/ab_2240_bill_20080220_introduced.pdf
- AB 2625 (Strickland) BioDiesel
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2601-2650/ab_2625_bill_20080222_introduced.pdf
- SB 1574 (Florez) Biodiesel commission
http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_1551-1600/sb_1574_bill_20080222_introduced.pdf

Recycling

- AB 2058 (Levine) Recycling: plastic carry out bags
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2051-2100/ab_2058_bill_20080219_introduced.pdf
- AB 2656 (Brownley) Recycling: single-use plastic beverage container tops
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2651-2700/ab_2656_bill_20080222_introduced.pdf
- AB 2829 (Davis) Recycling: plastic carryout bags
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2801-2850/ab_2829_bill_20080222_introduced.pdf
- SB 1321 (Correa) School recycling programs
http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_1301-1350/sb_1321_bill_20080220_introduced.pdf
- SB 1426 (Calderon) Recycled material
http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_1401-1450/sb_1426_bill_20080221_introduced.pdf
- SB 1625 (Corbett) Recycling: beverage containers
http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_1601-1650/sb_1625_bill_20080222_introduced.pdf

Environment

- AB 2512 (Adams) Environment: CEQA
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2501-2550/ab_2512_bill_20080221_introduced.pdf

- AB 2868 (De Leon) Environmental training programs
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2851-2900/ab_2868_bill_20080222_introduced.pdf
- AB 2988 (Feuer) Environmental quality
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2951-3000/ab_2988_bill_20080222_introduced.pdf
- SB 908 (Simitian) Environmental Education
http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0901-0950/sb_908_bill_20080108_amended_sen_v98.pdf

Green Building

- AB 2030 (Lieu) Energy: Building Standards
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2001-2050/ab_2030_bill_20080215_introduced.pdf
- SB 1278 (Maldonado) Building standards: green building construction
http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_1251-1300/sb_1278_bill_20080219_introduced.pdf
- SB 1473 (Calderon) Building standards: green buildings
http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_1451-1500/sb_1473_bill_20080221_introduced.pdf

Energy

- AB 94 (Committee on Utilities and Commerce) Renewable Energy
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_0051-0100/ab_94_bill_20080107_amended_asm_v98.pdf
- AB 2003 (Saldana) Energy: Climate Protections and Energy Efficiency Bond Act of 2008
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2001-2050/ab_2003_bill_20080215_introduced.pdf
- AB 2176 (Cabellero) Energy: federal block grants
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2151-2200/ab_2176_bill_20080220_introduced.pdf
- AB 2632 (Fuller) Californian Global Warming Solutions Act of 2006: market-based compliance mechanisms
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2601-2650/ab_2632_bill_20080222_introduced.pdf
- AB 2820 (Huffman) Renewable energy resources
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2801-2850/ab_2820_bill_20080222_introduced.pdf
- SB 1672 (Steinberg) Energy: Renewable Energy, Climate Change, Career Technical Education, and Clean Technology Job Creation Bond Act of 20___
http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_1651-1700/sb_1672_bill_20080222_introduced.pdf
- SB 1754 (Kehoe) Energy: California Alternative Energy and Advanced Transportation Financing Authority
http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_1751-1800/sb_1754_bill_20080222_introduced.pdf

Others

- AB 1972 (Desaulnier) Solid Waste: plastic containers
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_1951-2000/ab_1972_bill_20080214_introduced.pdf

- AB 2071 (Karnette) Plastic Bags: enforcement
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2051-2100/ab_2071_bill_20080219_introduced.pdf
- AB 2093 (Jones) General Plan: mandatory elements
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2051-2100/ab_2093_bill_20080219_introduced.pdf
- AB 2245 (Soto) Illegal dumping enforcement
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2201-2250/ab_2245_bill_20080220_introduced.pdf
- AB 2286 (Feuer) Unified hazardous waste and hazardous materials
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2251-2300/ab_2286_bill_20080221_introduced.pdf
- AB 2347 (Ruskin) Mercury Added thermostats: collection program
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2301-2350/ab_2347_bill_20080221_introduced.pdf
- AB 2349 (Fuller) Diseased animals and poultry: violations and penalties: administrative penalty
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2301-2350/ab_2349_bill_20080221_introduced.pdf
- AB 2415 (Fuentes) Solid waste: permit
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2401-2450/ab_2415_bill_20080221_introduced.pdf
- AB 2539 (Strickland) State boards and commissions: salaries: suspension
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2501-2550/ab_2539_bill_20080222_introduced.pdf
- AB 2640 (Huffman) Solid waste: compostable organics management
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2601-2650/ab_2640_bill_20080222_introduced.pdf
- AB 2645 (Nunez) Air pollution: alternative fuels and vehicle technologies: funding programs
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2601-2650/ab_2645_bill_20080222_introduced.pdf
- AB 2679 (Nunez) Solid waste: enforcement agencies
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2651-2700/ab_2679_bill_20080222_introduced.pdf
- AB 2695 (Niello) Solid waste: facility: violation
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2651-2700/ab_2695_bill_20080222_introduced.pdf
- AB 2730 (Leno) Beverage containers: nonprofit convenience zone recyclers
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2701-2750/ab_2730_bill_20080222_introduced.pdf
- AB 2866 (De Leon) Solid waste: solid waste disposal fees
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2851-2900/ab_2866_bill_20080222_introduced.pdf
- AB 3025 (Lieber) Solid waster: polystyrene packaging
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_3001-3050/ab_3025_bill_20080222_introduced.pdf
- AB 3030 (Brownley) Local publicly owner water utility: rate cases
http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_3001-3050/ab_3030_bill_20080222_introduced.pdf
- SB 1663 (Denham) Waste tire haulers: registration

III. Regulatory Matters

- CIWMB Survey On Barriers To Siting Organic Diversion Facilities (deadline extended to 3/7/08)
- CIWMB March 18, 2008 Board Meeting (agenda attached)
- The Air Resources Board public workshop on Monday, March 24, 2008 in Sacramento to discuss ARB's draft proposed control measure for reducing landfill methane emissions

IV. SB 1016 Discussion

- Special Guests
 - Elizabeth Huber, Legislative Director, CIWMB
 - Howard Levenson, Program Director, CIWMB

V. Additional Legislative and Regulatory Issues

ATTACHMENT C

SWANA LEGISLATIVE TASK FORCE

2008 BUDGET

February Report.

| | | | | |
|--|------------|----|------------------|---------------------|
| <u>BEGINNING BALANCE</u> | | \$ | 49,937.95 | \$36,497.95 |
| <u>REVENUES</u> | | | | |
| DUES SURCHARGE (\$30 / MEMBER RENEWAL) | Feb Dues | \$ | 25,000.00 | \$2,550.00 |
| WESTERN REGIONAL SYMPOSIUM | | \$ | 7,500.00 | |
| MOLO COURSE REVENUES | | \$ | 5,000.00 | |
| AGENCY CONTRIBUTIONS | | \$ | 15,000.00 | |
| INTEREST | Feb | \$ | _____ - | \$2.00 |
| RELEASE FROM RESERVES | | \$ | <u>13,440.00</u> | |
| TOTAL REVENUES | (BUDGETED) | \$ | 65,940.00 | \$2,552.00 |
| <u>EXPENSES</u> | | | | |
| REGULATORY REVIEW | | \$ | 12,000.00 | |
| SHAW / YODER, INC. CONTRACT | Jan | \$ | 38,940.00 | \$3,290.00 |
| SHAW / YODER, INC. ADMIN. EXPENSES | | \$ | 4,000.00 | |
| WEBSITE DEVELOPMENT / MAINTENANCE AND MEMBERSHIP ROSTER UPDATES | | \$ | 2,000.00 | |
| MEETING EXPENSES, TELECONFERENCE CHARGES AND ANNUAL WORKSHOP | | \$ | 5,000.00 | |
| CONTINGENCIES / SPECIAL PROJECTS | | \$ | <u>4,000.00</u> | |
| TOTAL BUDGETED EXPENSES | | \$ | 65,940.00 | \$3,290.00 |
| PROJECTED CARRY OVER TO 2008 | | \$ | 36,497.95 | \$ 49,199.95 |