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SOLID WASTE ASSOCIATION
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LEGISLATIVE TASK FORCE

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**MINUTES OF SWANA CALIFORNIA LEGISLATIVE TASK FORCE
ANNUAL WORKSHOP MEETING, MONTEREY, CA**

December 3 and 4, 2004

By: Mark Urquhart, Secretary

The Legislative Task Force (LTF) annual workshop meeting started at about 9:00 AM on December 3, 2004 and continued until about 5 PM on that day. The meeting was continued at 9:00 AM on December 4, 2004 and was adjourned about 11:30 AM. A quorum was present as there were both at least 10 voting members present and one voting member from each chapter, on each day. The list of people that participated is shown in Attachment A. The agenda is Attachment B. The items at the meeting were discussed in the order below, not necessarily according to the agenda order.

I. BUSINESS ITEMS AND LTF ACTIVITIES

Approval of Minutes

Mike Mohajer asked if there were any comments on the October 22, 2004 minutes. There was none.

Motion:

David Myers made a motion to approve the minutes from the October 22, 2004 telephone meeting. John Abernethy seconded the motion. All were in favor.

Approval of Treasurer's Report

The proposed budget for January 1, 1005 to December 31, 2005 and the treasurer's budget status report from January 1, 2004 through November 18, 2004 (both in Attachment C) were handed out and discussed. Scott Johnston, LTF Treasurer, was not in attendance so Mike Mohajer led discussion of the treasurer's items. He indicated the LTF fund had a balance of \$40,169.50 as of November 18, 2004.

Motion:

Marion Miller made a motion that the LTF approve the treasurer's budget status report through November 18, 2004. Larry Sweetser seconded the motion. All were in favor.

Proposed 2005 Budget

It was discussed that the budget for Shaw Yoder was going to increase for 2005 to roughly \$38,000 (roughly a 20% increase from the current \$32,160). This increase was based on a projection by Shaw-Yoder based on the effort required in 2004. It was discussed that the LTF officers had met with Shaw-Yoder on November 23, 2004 to discuss the proposed contract amount and ways to economize. It was noted that some of the labor cost that was expended in the past year by Shaw-Yoder exceeded the budget but was not charged, and that the increase was needed to maintain near the current level of service. Ideas to economize, such as less travel by Shaw-Yoder and greater contribution by LTF members, were discussed. Paul Yoder said that the expenses and contract amounts could be combined to more efficiently meet a budget cap. Mark Urquhart said that he felt that the proposed budget for Shaw Yoder was a good deal for the LTF at a minimal overhead and profit compared to other lobby firms, considering that Yvette Agredano is planned to contribute 1/3 of her time for the year and Paul Yoder also contributes time. All agreed that they were happy with Shaw-Yoder service and want the firm to continue.

Mike Mohajer asked for a motion that the LTF officers be authorized to work on a finalizing the draft budget (Attachment C) that includes a negotiated Shaw/Yoder, Inc. contract amount and reduced expenses while updating projected carry over to 2006 based on the final 2004 expenses. It was recognized that this is higher than the \$45,500 in projected revenues but is deemed necessary to continue near the current level of effort by the LTF. It was noted that the beginning balance of \$33,600 could sustain this situation for a number of years.

Will Dickinson made a motion that the LTF authorize the LTF officers to develop a budget for 2005 that adjusts the draft budget to include negotiating an amount on the order of \$40,000 for Shaw-Yoder contract and includes total spending of a modest amount over the projected revenues, as needed to maintain near the current level of LTF activity and service. This would require a release from reserves to balance the budget. Kay Martin seconded the motion.

After a long discussin among members, Daphne Washington made a motion to approve the proposed draft budget subject to updating the Beginning Balance, the Projected Carry Over and a line item under Revenues showing the amount to be used from the Beginning Balance to provide a balanced budget. Motion seconded by Will Dickinson and carried unanimously.

Finance Committee:

John Gulledge, Daphne Washington, John Abernethy and Scott Johnston (LTF Treasurer, not in attendance) were appointed to work on long term fiscal planning for the LTF.

2005 Western Regional Symposium (WRS)

It was discussed that the LTF needs to approach the WRS committee about getting a good timeslot for speakers. A number of potential topics were discussed and it was noted that the later discussion on the workshop platform can provide a list of potential topics for speakers. Paul Yoder said that the location of the meeting in South Lake Tahoe provides a good opportunity to get Cal EPA or legislative people to attend as speakers because it is close to Sacramento.

A subcommittee of Will Dickinson, Larry Sweetser and Mark Urquhart was selected to work with Shaw-Yoder on selecting speakers to invite and getting a time slot on the WRS program. Will Dickinson said he would contact Jaime Perez, the WRS committee chairman, about a time slot.

Election of Officers for 2005

Mike Mohajer said that, according to the MOU for the LTF, the Chair of the LTF appoints the Secretary and Treasurer, who are then ratified by the LTF membership. The Chair and Vice-Chair are elected by the Task Force members. This occurs at the first regular meeting after February 1. Mike Mohajer said that he had discussed with Mark Urquhart and Scott Johnston that they are willing to serve another term. He said he was open to nominations and discussion on a slate of officers that could be proposed for selection and approval at the LTF meeting in February 2005.

Motion:

John Abernethy made a motion that the following be nominated or considered for approval/appointment at the February 2005 LTF meeting:

- Chairman – Will Dickinson,
- Vice Chairman – Mike Mohajer
- Treasurer – Scott Johnston

- Secretary – Mark Urquhart

David Myers seconded the motion. All were in favor.

Next Meeting and 2005 Meeting Schedule

It was decided that the next meeting would be a telephone conference meeting at 1:30 PM on Thursday, February 10, 2005. The next meeting after that would be held in Sacramento on Thursday, March 17, 2005. Further meeting dates will be decided at the March 17 meeting. Yvette Agredano will send out agenda materials for the February 10, 2005 meeting.

Other

Audit Committee:

John Abernethy, John Gullede, and James Moore were appointed to perform the audit of the LTF financial records for 2004.

Regulatory Committee:

Larry Sweetser, Mike Mohajer, James Moore, Daphne Washington, and Lisa Wood agreed to serve on the regulatory committee for the LTF. John Gullede said that Chuck Boehmke (LA County Sanitation Districts, not in attendance) would also serve on this committee.

II REVIEW OF 2004 LEGISLATION AND REGULATIONS

Yvette Agredano reviewed the regulatory and legislation summary PowerPoint slides shown in Attachments D and E, respectively.

Regulations

Following are key points that were raised during discussion of various slides:

- RD&D Permit, Draft Regulations - Yvette Agredano will testify at CIWMB hearing regarding RD&D permits. Mark Urquhart had provided content for a draft letter on the issue which was reviewed and concurred by LTF via email. These comments embrace SWANA national comments and provided additional more detailed comments regarding the content and issues contained in the California draft regulations. Mark Urquhart will review previous comments forwarded to Yvette Agredano regarding this issue and forward additional comments, if any.
- Landfill Operators Training – It was discussed that the LTF should probably drop position about mandatory training for inspectors in order to gain needed consensus of involved parties. This package is being delayed.
- Conversion technologies – Kay Martin discussed that the regulatory approach is flawed and that the CIWMB should not taking on regulation over industrial processes such as conversion technology plants.
- SB 50 Emergency Regulation – The LTF will work on payment concerns being addressed in the future.
- CARB Rule – Yvette Agredano noted that CARB staff said they plan to introduce regulatory requirements that a “good faith effort” is made to reimburse haulers. The LTF will monitor these efforts according to the position that reimbursement should be handled through negotiation of agreements with haulers and not stipulated in regulations. John Abernethy also expressed concerns that there are compliance deadlines with out the proper, tested technology being available.

- Solid Waste Facility Application Form - Yvette Agredano noted that LTF comments were ignored by the CIWMB, but that the Office of Administrative Law (OAL) will be reviewing all comments in concert with the regulations.
- Biosolid management – Sharon Green said that the waster board draft regulations are completed.
- Construction and Demolition Waste – It was discussed that the LTF needs to oppose the concept of using model ordinances.
- Underground regulations – It was discussed that these issues can be petitioned to the OAL.

Chris Reynolds, Team Leader CPR

As part of the discussion on the governor’s California performance Review (CPR), Chris Reynolds, a team leader appointed by the governor, made a presentation to the LTF. He said that the CPR was a result of input from a large number of internal stakeholders as well as significant input from the public. He discussed that key points regarding the CPR recommendations include that:

- The recommendations for reorganization are broad and based on the concept that form follows function.
- Combining agencies would eliminate a number of Boards.
- Recommendations of the CPR include ending of CIWMB concurrence in permits and revising AB 939 compliance to be more performance based, similar to what is intended for rural Counties.

There was a considerable question period, which included discussion of the pros and cons of Boards Vs a department structure as proposed in the CPR.

Legislation

Yvette Agredano performed a review of the legislative summary slides in Attachment E.

III OUTLOOK FOR 2005

Paul Yoder discussed the Leadership makeup in the Legislature heading into the 2005-06 Session. He mentioned that Senator Perata is currently the Pro Tem and Assemblyman Nunez is the Speaker. Both of these members have been rumored to have some potential competition by some incoming Freshman members.

Paul discussed the potential for working with Senator Gloria Romero’s staff member, Alan Gordon on some key legislation—the next wave of the Integrated Waste Management Act, perhaps. Paul also discussed the major hurdles which ultimately led to the demise of the LTF’s legislation in the 2004 session, AB 2826 (Canciamilla). These hurdles included (1) finding consensus between manufacturers, environmental and industry stakeholders, (2) having agency staff realize the need for such language and (3) crafting language which would satisfy the LTF’s concerns.

This discussion led into the next topic of discussion: Prioritization of Issues/2005 Workplan.

IV PRIORITIZATION OF ISSUES/2005 WORK PLAN

There was considerable discussion of the issues that should be pursued by the LTF. This discussion centered on discussion of the draft work plan for 2005, which lists those issues. Appendix F contains a

copy of the draft LTF work plan for 2005 which was formulated based on discussions started on the afternoon of December 3, 2005 and continued for the remainder of the workshop on December 4, 2004.

Motion:

John Abernethy made a motion that Mike Mohajer finalize the work plan as shown in Appendix F and forward it together with the proposed 2005 budget to the California Chapters Presidents for approval. Constance Hornig seconded the motion. All were in favor.

V. ADJOURN

Motion:

John Abernethy made a motion that the meeting be adjourned at approximately 11:30 AM on December 4, 2004. The motion was seconded by Will Dickinson. All were in favor.

**ATTENDANCE LIST
SWANA LEGISLATIVE TASK FORCE ANNUAL WORKSHOP MEETING
DECEMBER 3 AND 4, 2004**

Voting Member Chapter	NAME	ORGANIZATION	PHONE	EMAIL
VM/Northern	Larry Sweetser	Sweetser and Associates/ESJPA	510-412-5908	sweetser@aol.com
VM/Northern	John Abernethy	Sacramento County	916-875-4527	abernethyj@SacCounty.net
VM/Northern	Will Dickinson (VC)	Placer County	530-889-7483	Wdickins@placer.ca.gov
VM/Northern	Mark Urquhart (S)	EMCON/OWT	530-626-4771	murquhart@theitgroup.com
VM/Northern	David Myers*	Monterey RWMD	831-384-5313	dmyers@mrwmd.org
Northern	William Merry	Monterey RWMD	831-384-5313	wmerry@mrwmd.org
VM/Southern	Kay Martin	BioEnergy Producers Association	805-653-5935	Kay4bioenergy@aol.com
VM/Southern	Mike Mohajer (C)	LA County IWM Task Force	909-592-1147	MikeMohajer@yahoo.com
VM/Southern	Constance Hornig	Law Offices	323-934-4601	Hornig@MSWesq.com
VM/Southern	John Gullledge*	LACSD	562-699-7411 Ext 2401	jgullledge@lacsds.org
VM/Central	James Moore	Fresno County	559-453-5029	JMoore@co.fresno.ca.us
VM/Central	Daphne H. Washington	Kern County	661-862-8933	daphnew@co.kern.ca.us
VM/Central	Marion Miller	Fresno County	559-262-4259	Mmiller2@co.fresno.ca.us
Southern	Lisa Wood*	City of San Diego	858-573-1236	lwood@sandiego.gov
Southern	Sharon Green*	LA County Sanitation Districts	562-699-7411 Ext 2503	sgreen@lacsds.org
SWANA CA Chapter. Lobbyist	Yvette Agredano	Shaw/Yoder, Inc.	916-446-4656	Yvette@shawyoder.org
SWANA CA Chapter. Lobbyist	Paul Yoder	Shaw/Yoder, Inc.	916-446-4656	paul@shawyoder.org

* Indicates attendee on December 3, 2004 that was not present on December 4, 2004.

VM= Voting Member
Ch = Chair
VC = Vice Chair
T = Treasurer
S = Secretary



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2004 ANNUAL WORKSHOP AGENDA

FRIDAY, December 3rd

- 8:30 am – 9:00 am** Settling in—continental style breakfast
- 9:00 am – 10:30 am** Regular Legislative Task Force Business
- Welcome & Introductions
 - Approval of Minutes (Attachment)
 - Approval of Treasurer's Report (Attachment)
 - Proposed 2005 Budget (Attachment)
 - 2005 Western Symposium
 - Election of Officers for 2005
 - 2005 Meeting Schedule
 - Other

10:30 am – 10:45 am Break

10:45 am – 11:30 am Review of 2004 Legislation and Regulations

11:30 am – 12:00 pm Outlook for 2005

12:00 pm – 1:00 pm Lunch

1:00 pm – 2:00 pm Chris Reynolds, Team Leader, California Performance Review

2:00 pm – 3:15 pm Review Mission Statement/Identify Priorities/Outreach to CA Chapters' Members

3:15 pm – 3:30 pm **Break**

3:30 pm – 5:15 pm Prioritization of Issues/2005 Work Plan

SATURDAY, December 4th

8:30 am – 9:00 am Settling in—continental style

9:00 am – 10:00 am Prioritization of Issues/2005 Work Plan

10:00 am – 10:15 am Break

10:15 am – 12:00 pm Finalize 2005 Work Plan

Noon Adjournment

**SWANA LEGISLATIVE TASK FORCE
PROPOSED 2005 BUDGET
JANUARY 1, 2005 TO DECEMBER 31, 2005**

<u>BEGINNING BALANCE</u>	\$ 33,600.00
<u>REVENUES</u>	
DUES SURCHARGE (\$30 / MEMBER RENEWAL)	\$ 20,000.00
WESTERN REGIONAL SYMPOSIUM	\$ 13,000.00
MOLO COURSE REVENUES	\$ 3,500.00
AGENCY CONTRIBUTIONS	\$ 9,000.00
TOTAL REVENUES	\$ 45,500.00
<u>EXPENSES</u>	
SHAW / YODER, INC. CONTRACT	\$ 37,800.00
SHAW / YODER, INC. ADMIN. EXPENSES	\$ 4,000.00
WEB SITE DEVELOPMENT / MAINTENANCE AND MEMBERSHIP ROSTER UPDATES	\$ 1,000.00
MEETING EXPENSES, TELECONFERENCE CHARGES AND ANNUAL WORKSHOP	\$ 5,500.00
CONTINGENCIES / SPECIAL PROJECTS	\$ 4,000.00
TOTAL EXPENSES	\$ 52,300.00
 PROJECTED CARRY OVER TO 2006	 \$ 26,800.00

SWANA LEGISLATIVE TASK FORCE
2004 BUDGET STATUS
 JANUARY 1, 2004 THROUGH NOVEMBER 18, 2004

<u>PROPOSED</u>		<u>ACTUAL</u>	
<u>BEGINNING BALANCE</u>	\$ 26,250.00	<u>BEGINNING BALANCE</u>	\$ 26,252.27
 <u>REVENUES</u>			
DUES SURCHARGE (\$30 / MEMBER RENEWAL)	\$ 20,000.00	1/2/04 DUES REIMB.	\$ 840.00
		1/22/04 DUES REIMB.	\$ 1,980.00
		2/24/04 DUES REIMB.	\$ 2,055.00
		3/24/04 DUES REIMB.	\$ 1,500.00
		4/22/04 DUES REIMB.	\$ 3,365.00
		5/20/04 DUES REIMB.	\$ 1,170.00
		6/21/04 DUES REIMB.	\$ 1,537.50
		7/20/04 DUES REIMB.	\$ 1,230.00
		8/11/04 DUES REIMB.	\$ 1,350.00
		10/12/04 DUES REIMB.	\$ 4,877.50
		SUBTOTAL	\$ 19,805.00
2003 WESTERN REGIONAL SYMPOSIUM	\$ 13,000.00	8/10/04 CENTRAL CHAPTER	\$ 13,534.00
MOLO COURSE REVENUES	\$ 5,000.00	4/22/04 NORTHERN MOLO	\$ 4,070.54
		SUBTOTAL	\$ 4,070.54
AGENCY CONTRIBUTIONS	\$ 9,000.00	4/13/04 L.A. CO. SAN. DIST.	\$ 2,500.00
		4/13/04 MERCED CO.	\$ 1,000.00
		4/22/04 SAC. CO.	\$ 2,500.00
		4/29/04 KERN CO.	\$ 1,500.00
		6/8/04 CITY OF SAN DIEGO	\$ 2,500.00
		9/10/04 PLACER CO.	\$ 1,000.00
		SUBTOTAL	\$ 11,000.00
INTEREST	\$ -	1/30/2004	\$ 2.31
		2/27/2004	\$ 2.22
		3/31/2004	\$ 2.47
		4/30/2004	\$ 2.43
		5/23/2004	\$ 2.76
		6/30/2004	\$ 3.19
		7/30/2004	\$ 2.79
		8/31/2004	\$ 2.98
		9/30/2004	\$ 3.13
		10/29/2004	\$ 3.46
		SUBTOTAL	\$ 27.74
TOTAL REVENUES (BUDGETED)	\$ 47,000.00	REVENUE TO DATE	\$ 48,537.28
 <u>EXPENSES</u>			
SHAW / YODER, INC. CONTRACT	\$ 32,160.00	2/18/04 INVOICE #2871	\$ 2,680.00
		3/18/04 INVOICE #2901	\$ 2,680.00
		4/13/04 INVOICE #2931	\$ 2,680.00
		5/12/04 INVOICE #2961	\$ 2,680.00
		6/17/04 INVOICE #2991	\$ 2,680.00
		7/20/04 INVOICE #3021	\$ 2,680.00
		8/10/04 INVOICE #3051	\$ 2,680.00
		9/10/04 INVOICE #3081	\$ 2,680.00
		11/10/04 INVOICE #3110	\$ 2,680.00
		11/10/04 INVOICE #3138	\$ 2,680.00
		SUBTOTAL	\$ 26,800.00
SHAW / YODER, INC. ADMIN. EXPENSES	\$ 4,000.00	2/18/04 INVOICE #2871	\$ 278.22
		3/18/04 INVOICE #2901	\$ 161.01
		4/13/04 INVOICE #2931	\$ 381.57
		5/12/04 INVOICE #2961	\$ 195.87
		6/17/04 INVOICE #2991	\$ 656.95
		7/20/04 INVOICE #3021	\$ 172.89
		8/10/04 INVOICE #3051	\$ 389.12
		9/10/04 INVOICE #3081	\$ 117.14
		11/10/04 INVOICE #3110	\$ 888.00
		11/10/04 INVOICE #3138	\$ 317.51
		SUBTOTAL	\$ 3,978.28
WEBSITE DEVELOPMENT / MAINTENANCE AND MEMBERSHIP ROSTER UPDATES	\$ 2,500.00	2/19/04 INVOICE #2871	\$ 80.00
		3/18/04 INVOICE #2901	\$ 60.00
		4/13/04 INVOICE #2931	\$ 82.00
		5/12/04 INVOICE #2961	\$ 30.00
		6/17/04 INVOICE #2991	\$ 332.00
		7/20/04 INVOICE #3021	\$ 50.00
		9/10/04 INVOICE #3081	\$ 120.00
		11/10/04 INVOICE #3110	\$ 52.00
		SUBTOTAL	\$ 806.00
MEETING EXPENSES, TELECONFERENCE CHARGES AND ANNUAL WORKSHOP	\$ 6,000.00	2/18/04 INVOICE #2871	\$ 252.90
		3/18/04 INVOICE #2901	\$ -
		4/13/04 INVOICE #2931	\$ 844.28
		5/12/04 INVOICE #2961	\$ 1,196.91
		6/17/04 INVOICE #2991	\$ 563.68
		3/10/04 INVOICE #3051	\$ 150.00
		SUBTOTAL	\$ 3,027.77
CONTINGENCIES / SPECIAL PROJECTS	\$ 4,000.00	CHECK FEES	\$ 3.00
		SUBTOTAL	\$ 8.00
TOTAL BUDGETED EXPENSES	\$ 48,660.00	EXPENSES TO DATE	\$ 34,620.05
PROJECTED CARRY OVER TO 2004	\$ 24,590.00	CURRENT ACCOUNT BALANCE	\$ 40,169.50

2004 SWANA Annual Workshop

Monterey, California



SWANA
SOLID WASTE ASSOCIATION

2004 Regulation: Summary

Paul Yoder & Yvette Gómez Agredano
Legislative Advocates
Shaw / Yoder, Inc.

RCRA Subtitle D Program RD & D Permits

- Revised regulations allowing for issuance of research, development, and demonstration permits for innovative landfill technologies.
- LTF Position: The purpose of the proposed RD&D rule is simply to authorize such permits to be issued, not to decide what should be included in each of them. (case specific)
- STATUS: A 45-day comment period commenced on October 15th will run through November 30, 2004.

Landfill Operators and Managers

- New regulations requiring landfill managers and landfill inspectors to have and maintain a certification of training.
- LTF Position: For the most part, the LTF is supportive of the draft regulations put forth by the CIWMB, with only minor revisions being suggested.
- STATUS: In order to allow for further development, the package will not come before the Board in December, as originally scheduled.

Conversion Technologies

- New regulations to place conversion technology facilities and operations into the Transfer/Processing Operations and Facilities Regulatory Requirements. These operations and facilities would be subject to the same regulatory tiers and minimum standards as transfer/processing operations and facilities.
- LTF Position: The LTF believes that it is necessary to expand upon the work already completed to include a broader, more realistic view of the developing industry regarding alternative waste management practices.
- STATUS: A 45-day comment period commenced on October 22nd and will run through December 6, 2004.

SB 50 Emergency Regulations

- LTF Position: While the LTF is supportive of this package, we would like to see the repayment option changed to reflect the legislation's intent.
- Status: At its November meeting, the Board repealed the SB 20 emergency regulations and adopted new emergency regulations to establish and implement a system for the collection and proper recycling of covered electronic devices.

CARB Rule on Solid Waste Collection Vehicles

- Develop regulations that would improve the overall air quality, by decreasing the amount of diesel particulate matter.
- LTF Position: While the California Chapters of SWANA were supportive of this package, there were some concerns with regards to cost liability and ambiguous definitions, which were addressed in letters to both the ARB and OAL. Those concerns were not addressed by either agency and the regulations were not amended in the final stages of the regulatory process.
- STATUS: Effective as of July 20, 2004

Improvements to AB 939 Diversion Compliance System

- This regulation package attempts to improve the Diversion Compliance System established under the Integrated Waste Management Act.
- LTF Position: The LTF believes that the implementation of a diversion program should be the sole requirement used for measuring compliance with AB 939 waste reduction mandates.
- Status: The Waste Board held a workshop to discuss this item on October 5, 2004. Further development is currently taking place.

Disposal Reporting Systems

- Revision of existing disposal reporting system and adjustment method regulations based on Board recommendations in a report to the Legislature.
- LTF Position: The proposed revisions to the Disposal Reporting System should be tabled until the discussions pertaining to a revised AB 939 compliance structure are more fully developed.
- Status: A 45-day comment period is scheduled to begin in early December.

Solid Waste Facility Permit Application Form

- Revision of joint application form CIWMB E-1-77 used for Solid Waste Facility Permits and Waste Discharge Requirements.
- LTF Position: Expressed concerns over "definition of transformation" and the break down of the "peak daily tonnage" reporting requirement.
- STATUS: A 15-day comment period ran from July 15-30, upon which the regulatory package was adopted at the Board's August meeting and filed with the Office of Administrative Law on October 27, 2004, for a 30-day working review.

Biosolids Management

- Application of anaerobically-digested, dewatered municipal sewage sludge to agricultural land is a widely-used, cost-effective way of disposing of this waste and of realizing benefit from its plant nutrients and organic matter.
- STATUS: If biosolids are found to be safe for land application, the U.S. EPA plans to increase demands for such a method, which will result in less landfilling and more composting.

Long-Term Landfill Gas Violations

- New regulations establishing compliance procedures for long-term landfill decomposition gas violations.
- STATUS: Staff asked for and was granted notice by the Board to go out for a 45-day comment period, which has yet to commence due to internal analyses that are still being conducted and reviewed.

Solid Waste Facilities in Violation of State Minimum Standards

- The CIWMB is required by law to maintain a list of solid waste facilities violating state standards and to publish this list every six months.
- STATUS: At the April 2004 Board Meeting, staff presented the current solid waste facilities in violation of state minimum standards.

ADC Regulations Approved by OAL

- These approved regulations were revised to specifically address the use of alternative daily cover (ADC) materials at solid waste landfills and the reporting of that use.
- **STATUS:** These regulations became effective as of July 23, 2004.

Construction and Demolition

- **LTF Position:** LTF believes that the CIWMB should stop mandating local governments to adopt a C&D ordinance as part of the SB 1066 process, because local governments are only required to adopt such an ordinance under certain circumstances.
- **STATUS:** Currently in the development stages.

Underground Regulations

- In response to the Governor's Executive Order suspending proposed regulations, the Waste Board sent a letter to Cal/EPA claiming that they do not engage in the use of underground regulations, which the LTF was successfully able to disprove.
- **STATUS:** With undesirable results stemming from the Exec. Order, the Governor formed the California Performance Review, which has submitted its findings and is awaiting action.

California Performance Review (CPR)

- As part of the reorganization plan, the CPR would eliminate the California Integrated Waste Management Board (CIWMB) entirely and create the Pollution Prevention, Recycling, and Waste Management Division under the Department of Environmental Protection.
- **LTF Position:** The LTF is open to discussing the new proposed system and its possible benefits to the California Chapters of SWANA and the State as a whole.
- **STATUS:** The CPR Commission has submitted its findings to the Governor for his review.

2004 SWANA Annual Workshop

Monterey, California



SWANA
SOLID WASTE ASSOCIATION
OF CALIFORNIA

2004 Legislation: Summary

Paul Yoder & Yvette Gómez Agredano
Legislative Advocates
Shaw / Yoder, Inc.

AB 1353 (Matthews) - Oppose

- **TOPIC:** Treated wood waste
- **FINAL STATUS:** Chaptered (Chapter 597, Statutes of 2004)

AB 2277 (Dymally) - Oppose

- **TOPIC:** Hazardous waste
- **FINAL STATUS:** Chaptered (Chapter 880, Statutes of 2004)

SB 50 (Sher) - Support if Amended

- **TOPIC:** Solid waste: electronic waste
- **FINAL STATUS:** 1/29/04 In Assembly. Read first time. Held at Desk.

SB 1180 (Figueroa): Support & Seek Amendments

- **TOPIC:** Mercury lamp recycling
- **FINAL STATUS:** Failed to pass out of Assembly Appropriations Committee.

AB 2176 (Montanez) – Oppose Unless Amended

- **TOPIC:** Large venue and large event recycling programs
- **FINAL STATUS:** Chaptered (Chapter 879, Statutes of 2004)

AB 2290 (Chavez) - Oppose

- **TOPIC:** Local agency fees: state agencies: solid waste collection services
- **STATUS:** Failed to pass out of SEN Env. Quality

SB 537 (Romero) - Oppose

- **TOPIC:** Local agency fees: solid waste collection services
- **FINAL STATUS:** Failed to pass out of the Assembly Floor.

SB 1078 (Chesbro) - Oppose

- **TOPIC:** Disposal fees: solid waste collection vehicles
- **FINAL STATUS:** Failed to pass out of Senate Transportation Committee.

SB 1387 (Romero) - Oppose

- **TOPIC:** Sanitation and sewers: recycling facility
- **FINAL STATUS:** Hearing cancelled at the request of the author: Senate Local Government Com.

AB 338 (Levine) - Support

- **TOPIC:** Tire recycling: crumb rubber
- **FINAL STATUS:** Vetoed by the Governor.

AB 1466 (Koretz) - Support

- **TOPIC:** Litter: receptacles
- **FINAL STATUS:** Vetoed by the Governor.

AB 1802 (Bogh) - Support

- **TOPIC:** Illegal dumping: penalties
- **FINAL STATUS:** Chaptered (Chapter 137, Statutes of 2004)

AB 2159 (Reyes) - Oppose

- **TOPIC:** Solid waste facilities: orders
- **FINAL STATUS:** Chaptered (Chapter 448, Statutes of 2004)

AB 2166 (Hancock) – Support As Proposed to be Amended

- **TOPIC:** Recycling: compact discs and digital versatile discs
- **FINAL STATUS:** ASM A.E.S.T.& I.M: Failed Passage

AB 2826 (Canciamilla) – Support and Sponsor

- **TOPIC:** Solid waste: landfills
- **“Don’t ban without a plan.”**
- **FINAL STATUS:** In ASM Nat Resources Committee: Set, second hearing. Hearing canceled at the request of author.

AB 1699 (Laird) - Oppose

- **TOPIC:** Mercury: fluorescent lamps
- **FINAL STATUS:** Failed to pass out of Assembly Appropriations Committee.

AB 2311 (Jackson) - Support

- **TOPIC:** Energy efficiency: sustainable building
- **FINAL STATUS:** Vetoed by the Governor

AB 2701 (Runner) - Support

- **TOPIC:** Environmental protection: reports
- **FINAL STATUS:** Chaptered (Chapter 644, Statutes of 2004)

AB 2901 (Pavley) – Support

- **TOPIC:** Solid waste: cell phones: recycling
- **FINAL STATUS:** Chaptered (Chapter 891, Statutes of 2004)

AB 2943 (Pavley) - Support

- **TOPIC:** Mercury – containing vaccines
- **FINAL STATUS:** Chaptered (Chapter 837, Statutes of 2004)

AB 3004 (Pavley) - Support

- **TOPIC:** Road safety flares
- **FINAL STATUS:** Failed to pass out of Assembly Com. on Environmental Safety and Toxic Materials.

SB 983 (Alarcon) - Oppose

- **TOPIC:** Solid waste: environmental justice
- **STATUS:** Failed to pass out of Assembly Natural Resources Committee.

SB 1252 (Alarcon) - Watch

- **TOPIC:** Solid waste: gasification
- **FINAL STATUS:** Senate Rules Committee

SB 1362 (Figueroa) - Support

- **TOPIC:** Solid waste: hypodermic needles
- **FINAL STATUS:** Chaptered (Chapter 157, Statutes of 2004)

SWANA CALIFORNIA CHAPTERS

LEGISLATIVE TASK FORCE (LTF) 2005 WORK PLAN

At its annual workshop in December 2004, the Legislative Task Force identified the following issues as top priorities for the 2005 Work Plan:

- California Performance Review
- Landfill Waste Bans/Product Stewardship
- Conversion Technologies
- Training And/Or Certification For Landfill Managers And Inspectors
- Regulations Pertaining To Bioreactors
- Disposal Reporting System Implementation
- Landfill Liners
- 30 Year Plus Post-Closure

The 2005 Work Plan encompasses six major areas of effort and will guide the activities of the LTF and its Legislative Advocate during the 2005 calendar year.

Mission Statement:

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

I. REGULATIONS

- A. **Goal:** Limit regulations (new or revised), through active participation in the development and review process, to levels necessary to assure appropriate protection of health, safety and the environment.
- B. **Objective:** Expediently review draft regulations to allow timely submission of comments.
- C. **Action items**
 1. Monitor/take action regarding proposed changes to the Disposal Reporting System; support proposals to increase the accuracy of data reported by haulers as well as the allocation of residual tonnages. Monitor/support, when appropriate, regulations implementing the SB 2202 (2000) consensus group's recommendations advocating alternative AB 939 diversion rate measurement that relies upon implementation of programs identified in jurisdictional SRRE and less on mathematical compliance.
 2. Oppose any proposal to change current requirements concerning landfill liners that does not take into account site-specific performance. Advocate, when appropriate, for uniformity and standardization of the demonstration process within WRCB's authorization Title 27 authorization.

3. Oppose regulations, which would increase disposal tip fee surcharges to fund retrofits as required by the California Air Resources Board (CARB). Support regulations that would provide funding through other means, such as additional tax on diesel fuel. Support regulations to provide additional funds for the conversion of diesel-powered vehicles.
4. Monitor and provide comments with respect to regulations developed to implement SB 50 (Sher) of 2004 relating to e-waste.
5. Support regulations which require a basic level of training, promote joint training opportunities, and maintain a certification of training for landfill managers and landfill inspectors.
6. Advocate for conversion technology regulations which would actually promote, rather than hinder, the development of facilities. Oppose regulations that would treat these conversion technology facilities as disposal facilities or which require front end recovery of recyclable materials.
7. Monitor application of Phase I C & D requirements to other wastes and /or facilities tiers.
8. Monitor mandated C & D model ordinance adoption.
9. Advocate for appropriate state bioreactor regulations.
10. Monitor / take action regarding CIWMB and Cal EPA Agencies review of existing policies / guidelines, e.g. Permit Enforcement Process, Five Year Review Process, Conformance Findings, Siting Elements and NDFEs, Long-Term Violation Policy, Landfill Gas and Gas Migration, state minimum standards, Compost Regulations Phase II, and definition of “significant change.”
11. Monitor regulations relative to changes in Bottle Bill.
12. Monitor post-closure regulations.
13. Monitor and, if appropriate, take action concerning the DTSC universal waste rule, e.g. regarding new requirements for CRTs, consumer electronic devices (CEDs) bans and load checking.
14. Monitor DTSC regulations related to treated wood and appliances.
15. Monitor proposals that incorporate Environmental Justice issues into CIWMB regulations; utilize position papers developed by SWANA National as appropriate.
16. Monitor landfill compliance study, landfill radioactivity study, and AB 939 compliance.
17. Monitor and, if appropriate, take action relative to CARB regulations, consistent with prior comments.

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 environmental organizations and others 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 sponsored by other associations; provide comments to Governor, 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:**
1. Advocate for legislation that would prohibit any State agency from promulgating regulations or policies that would ban materials from landfill disposal without first satisfying the following conditions:
 - a. Scientific studies show that burial of the material poses a danger to public health or environment.
 - b. A plan is developed to provide realistic and cost-effective ways to remove the material from the waste stream. ”Don’t Ban Without a Plan.”
 2. Advocate for alternative AB 939 compliance system that relies upon implementation of programs identified in SRRE.
 3. Advocate product stewardship and increased manufacturer responsibility with respect to materials that are difficult to recycle and/or hazardous waste and/or banned from landfills. “You Make It, You Take It.”
 4. Monitor legislation that would amend the usage of the CIWMB landfill tipping fee.
 5. Oppose legislation, which would increase disposal tip fee surcharges to fund retrofit as required by the California Air Resources Board (CARB). Support legislation that would provide funding through other means, such as additional tax on diesel fuel. Support legislation to provide additional funds for the conversion of diesel-powered vehicles.
 6. Monitor and take position(s) as necessary with respect to legislation relating to e-waste.
 7. Oppose any legislation that is de facto “prevent and substantially impair.”
 8. Advocate and support changes to AB 939 with regard to statutory definitions, integration of conversion technologies into the solid waste hierarchy, and the extension of diversion credit to conversion technologies.
 9. Oppose legislation to undo AB 939 credit for ADC.
 10. Oppose legislation that would usurp local control, including with respect to the existing LEA system.

11. Support legislation that would facilitate regional waste authorities. Oppose legislation that would interfere with the ability of regional waste authorities and other local agencies to develop and implement programs.
12. Support greater State involvement in market development for diverted materials.
13. Support utilization of future “Bottle Bill” surplus(es) for increased recycling and market development.
14. Oppose any legislation mandating that all waste must pass through MRFs.
15. Look for opportunities to improve the planning and operational constraints of hauler five year continuation rights. Support legislation to include local government in the definition of solid waste enterprise.
16. Support legislation to address issues not included in SB 2202 Good Faith Effort or regulations to implement SB 2202 that were included in the consensus group’s recommendations to improve the disposal reporting system and diversion rate compliance measurement.
17. Support increased recycled content which meets quality and cost effective criteria.
18. Monitor legislation which changes existing system of siting element conformance.
19. Support legislation to provide additional funds for paint recycling.
20. Support legislation that would provide incentives for bioreactor landfills and conversion technology facilities.
21. Support legislation to provide relief re: axle weights, including jurisdictions that have converted trucks to natural gas.
22. Participate in the CIWMB Task Force on Illegal Dumping, including efforts to propose legislation.
23. Support legislation which require a basic level of training, promote joint training opportunities, and maintain a certification of training for landfill managers and landfill inspectors.
24. Monitor legislation and, as appropriate, take action relative to any bill that proposes to implement recommendations made by the California Performance Review.

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.
 - a. Establish and maintain contacts with key legislators, their staff, CAL-EPA, CIWMB Board members and staff, SWRCB Board members and staff, CARB Board members and staff, DTSC staff, DOC, Department of 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.
 - 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 to the general membership.
 - d. Encourage SWANA membership to keep local government and special district officials aware of issues of greatest importance to SWANA.
 - e. Maintain website including ability for member to update contact information.
3. Coordinate CIWMB CA-Specific Manager of Landfill Operations (MOLO program) as well as raise awareness of other training opportunities provided by SWANA, including the Western Regional Symposium and SWANA National Trainings such as WASTECON and other trainings relating to the transfer/collection/recycling activities.
4. Maintain and strengthen coalition building with associations with compatible goals and objectives including, but not limited to:
 - a. California State Association of Counties
 - b. League of California Cities
 - c. Rural Counties ESJPA
 - d. California Conference of Directors of Environmental Health
 - e. Local Enforcement Agencies
 - f. County Engineers Association of California
 - g. Solid Waste Industry Group
 - h. Councils of Government
 - i. American Public Works Association
 - j. Environmental Organizations
 - k. Product Stewardship Organizations
5. Enhance education and awareness of SWANA membership through presentation of a legislative and regulatory session at the Western Regional Symposium
6. 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 and Applied Research Documents.

IV. LOCAL CONTROL AND GOVERNMENT ORGANIZATION

A. Goals:

- a. Promote control (and reorganization as necessary) of solid waste policy and operations, at the lowest governmental level possible, commensurate with:
 - Effective, certified staffing for all aspects of solid waste management
 - Cost-effectiveness
 - Environmental soundness
 - Reduced regulatory overlap and duplication
 - Maximum flexibility for optimized solutions
- b. Evaluate accessibility, accountability, responsiveness and efficiency of regulatory agencies under proposed CPR governmental restructuring.

B. Objectives/Action Items:

1. Support legislation that would provide for greater local government representation on the CIWMB.
2. Support efforts to eliminate overlap between Department of Conservation, Division of Recycling and CIWMB and/or consolidate its programs under CIWMB.
3. Support efforts to eliminate overlap between the CIWMB and other CAL-EPA 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. Retain local authority to provide enforcement authority and designate LEAs.
6. Support equitable solutions to waste export issues and applicability of state tonnage fees on such waste to support CIWMB funding.

V. AB 939 MARKET DEVELOPMENT AND ECONOMICS

- A. Goal:** Encourage the State to consider economic impacts of AB 939 mandates, validity of current solid waste hierarchy in light of industry and market changes and realistically assess the availability of current and future markets for beneficial use of solid waste materials.
- B. Objectives/Action Items:**
1. Support use of RMDZ funds to promote new and expanded markets, including conversion technologies.
 2. Support legislation that would expand markets for diverted materials including the commercialization of conversion technologies.
 3. Oppose legislation/regulations imposing additional unfunded mandates.
 4. 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.

VI. IMPLEMENTATION AND OPERATION

- A. Goal:** Identify specific problems impacting SWANA membership; communicate with the Legislature and appropriate regulatory agencies to advocate solutions.
- B. Objectives/Action Items:**
1. Support legislation that would place greater emphasis on good faith efforts to implement SRREs approved by the CIWMB and less emphasis on diversion accounting for its own sake. Notify the CIWMB of cases in which local jurisdictions have followed model SRRE implementation to no avail.
 2. Support efforts to provide local government with greater due process in any enforcement or other directed activity of the CIWMB.
 3. Support continued use of green and wood waste as a landfill alternative daily cover and the use of green and wood waste and other waste materials used in the construction and operation of landfills for full AB 939 diversion credit.
 4. Actively participate in State regulatory processes (e.g., CIWMB, CARB, DTSC, SWRCB) to review and update procedures, policies, guidelines, and advisories that affect local governments. Promote local government awareness of those same procedures, policies, guidelines, and advisories.
 5. 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.