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SOLID WASTE ASSOCIATION
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CALIFORNIA CHAPTERS

FOUNDING

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LEGISLATIVE TASK FORCE

www.swanacal-leg.org

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

Aug 4, 2011

By: Mark Urquhart, Secretary

The Legislative Task Force (LTF) telephone meeting started at about 10:00 AM. A quorum was present as there were 12 voting members present (*some only present for part of the meeting) 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 July 7, 2011 LTF Telephone Meeting:

William Merry asked for comments on these minutes. Mike Mohajer noted that Kara needs correction to "Cara" Morgan. David Tieu said that there was a typographical error on page 2 under AB 341 that needed to change *we* to "were" and that his name needed to be added to the sign up list. With those corrections William Merry 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 July 7, 2011 phone conference meeting, with the corrections noted above. The motion carried, as all were in favor.

Treasurer's Update

Nancy Ewert discussed the July treasurer's report (Attachment C). She said that there is a balance currently of about \$46,000 as she has begun receiving checks for donations to LTF. She discussed that the distribution for the solicitations is larger than last year and she has received donations from jurisdictions not on the solicitation list; including City of Folsom, Tulare County and others. It was discussed that the entities that had donated should be added to the LTF monthly meeting email distribution list. Nancy Ewert requested that those who have email addresses that she does not have could provide those to her so that Shaw/Yoder/Antwih can add them to the distribution.

Motion:

A motion was made by Mike Mohajer and seconded by Lisa Wood to approve the July report. The motion carried, as all were in favor.

Next LTF Meeting Date

The next meeting will be a telephone conference call on September 1, 2011 from 10AM to noon.

Other

PY discussed that Tressa Wallace will be leaving Shaw/Yoder/Antwih on August 5, 2011 and that Jason Schmelzer would be taking over the LTF work for the firm in concert with Paul at this point. Paul said they both plan to attend the LTF

workshop. Paul discussed that he and his co-workers are sad to see Tressa leave as she has done a great job. William Merry and others on the LTF also expressed that the LTF appreciated Tressa Wallace's hard work and felt she has done good work for the LTF over the years she worked on behalf of LTF. Jason Schmelzer discussed he has been with Shaw/Yoder/Antwih about two years and that his work experience includes about a 7 or 8 year lobbying background. That included some work for the California Manufacturer's Association followed by working for the Chamber of Commerce. He said that some of his work there included environmental work including hazardous and solid waste issues.

II. LEGISLATION

Tressa Wallace discussed the bill matrix dated August 2, 2011 circulated prior to meeting via email with details noting the SWANA positions. She said that bills below include those still active that the LTF has taken positions on. .

AB 341 (Chesbro) Solid waste: diversion – Oppose

http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0301-0350/ab_341_bill_20110707_amended_sen_v96.pdf

Tressa Wallace said that the author's office is willing to consider LTF comments. She noted to author that other governmental agencies like the LTF preferred language, which is similar to last years AB 737 language. Tressa Wallace discussed that she thinks that Assemblyman Chesbro wants to get the bill in his most "ideal" form to the governor's desk. It was discussed that when commercial recycling fees were removed as an issue compared to last year's language that some of the opposition was effectively removed. It was also discuss that it would be better if the bill effectively started July 1 2012 instead of January 1. There was discussion that SWANA still has other concerns over the bill but maybe it is wise to get the best language that SWANA can lobby for included as the bill may be signed in any event.

Tressa Wallace also discussed that she told Chesbro's office that the 7/7/11 language was the basis for the LTF changing to a neutral position basis, but if additional language is brought in regarding odors as solid waste sites that the LTF may decide to continue to oppose the bill instead of a neutral position. It was also decided that that the LTF "white paper" on diversion economics and other concerns should be attached to the governor's office if the bill passes the legislature.

Motion:

A motion was made by Mike Mohajer to continue the LTF position voted last month to move to a neutral position if amended to include addressing LTF concerns. It was discussed the bill may not be ideal in terms of LTF concerns and the issue of needing the "toolbox" but a neutral position may be best. The motion was seconded by Glenn Acosta (although he said he must abstain from voting).

The motion carried, as all were in favor; noting that Glenn Acosta, John Gullledge and Constance Hornig abstained from voting.

AB 514 (Hernandez) Public works: prevailing wage: hauling refuse – Not formally established yet.

http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0501-0550/ab_514_bill_20110427_amended_asm_v97.pdf

Tressa Wallace noted that the author's office is working with the Senate Appropriation Committee on this bill. Tressa Wallace noted that this is a major "labor" bill. It has massive support by labor. Tressa Wallace said she expects the bill to pass. There was long discussion on the issue of whether

solid waste haulers should have construction type prevailing wage, which are higher for cyclical construction rather than year-round solid waste industry positions. It was discussed that maybe the LTF should be neutral and write letter of concerns. There was a long discussion on the issue as to whether the LTF should be neutral or opposed to the bill as some on the LTF has concerns about costs to ratepayers. However, given discussion of the political cost with many groups to the LTF for opposing the bill compared to whether this is one of the significant issues for the LTF it was discussed that neutral may be a wise position.

Motion:

A motion was made by Constance Hornig that the LTF take a neutral position on this bill. Glenn Acosta seconded the motion. All in favor; noting that Mike Mohajer abstained from voting.

AB 1178 (Ma) Solid waste: place of origin – Oppose

http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1151-1200/ab_1178_bill_20110713_amended_sen_v95.pdf

Tressa Wallace discussed that because of amendments taken the bill will be going directly to assembly floor. She discussed the author's position that permit process can still impose restrictions; however, an ordinance cannot be passed later to limit the facility tonnage or waste origin later. This seems balanced given the investments that a firm may make given a particular business plan which would later be jeopardized by voter initiative process after the permits are issued. She noted that that most public agencies and associations have gone neutral. Jason Schmelzer discussed that the LTF may want to go neutral given the narrow scope of the bill and that opposing the bill may upset a lot of entities.

However, there was discussion by the LTF to the contrary noting that the legislative finding and some language is still of concern and the bill is not crafted just to address one instance. There was considerable discussion on the fact that the bill has some grey areas and limits local control. Mike Mohajer said that LA County and the LA County Task Force are still opposed to the bill. There was considerable discussion on potential problems such as the right and ability of the public to have control in their jurisdiction in response to the affect of outside entities. The example of Kern County being overwhelmed by biosolids from Los Angeles County and then passing an ordinance was brought up.

Regarding a position, the LTF is leaning to continue an oppose position and will work with Jason Schmelzer regarding how to craft the position. Glenn Acosta and John Gullledge noted that that will abstain from taking a position on the bill. Mike Mohajer will send the letter from the LA County Task Force to Jason Schmelzer and the LTF to start developing the wording of the position.

SB 567 (DeSaulnier) Recycling: plastic products- Support

http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0551-0600/sb_567_bill_20110411_amended_sen_v98.pdf

Given time constraints Tressa Wallace briefly noted that this bill is will be moving through appropriation in couple of weeks.

SB 568 (Lowenthal) Recycling: polystyrene food containers – Support

http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0551-0600/sb_568_bill_20110712_amended_asm_v95.pdf

Given time constraints Tressa Wallace briefly noted that this bill is will be moving through appropriation in couple of weeks.

SB 833 (Vargas) Solid waste: facilities permit – Oppose

http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0801-0850/sb_833_bill_20110425_amended_sen_v98.pdf

Given time constraints Tressa Wallace briefly noted that the LTF will continue to oppose this bill.

III. REGULATORY MATTERS

State Water Resources Control Board (SWRCB)

Landfill WDR Fee Update

Tressa Wallace noted that there is a stakeholder meeting scheduled for August 4, 2011 at 1PM. She said there was not much new to report since the last meeting and that Larry Sweetser is participating in the stakeholder meeting.

Water Quality Fee Stakeholder Meeting

Tressa Wallace said that the meeting regarding the new fee that came out of budget process was moved from 11th to 15th of August.

CalRecycle

MCR Regs – Mixed Waste Processing Revisions July 28

Glenn Acosta discussed there was a lot of movement behind the scenes to address the issue regarding dirty MRF's meeting same level as source separation. After much discussion on the regulatory level CalRecycle was amenable to changing the language. The draft regulations mirror the Orange County letter content on that issue. It was noted that a Mike Mohajer document was circulated to the LTF that contained suggestions on language in purple and yellow highlight. Glenn Acosta noted that Howard Levinson was amendable to looking at the issue more holistic manner than just dirty MRFs. Mike Mohajer noted that he is concerned with local government being burdened with additional compliance items, citing specific section of the draft regulations. It was also discussed that if CalRecycle includes requirements in for MRF's and other facilities that some definitions need to be made for those specific facilities, which are lacking in the current version.

Glenn Acosta closed the discussion by saying there is 30 days to comment further.

Carpet recycling (Added item)

Glenn Acosta noted that the proposed regulations are being circulated for public comment. As currently written they would hurt CT and transformation facilities. Glenn Acosta pointed out that this is contrary to the bill content and therefore exceeds the authority of CalRecycle. Mike Mohajer mentioned that some agency letters to CalRecycle previously mentioned these concerns, but they were disregarded or lost by CalRecycle. It was discussed that the LTF should send letter regarding this issue. Glenn Acosta pointed out that Section 42970 only refers to landfill diversion and hierarchy; but the hierarchy does not prohibit transformation diversion credit.

It was decided to draft a letter for review by the LTF and then for signature by William Merry from the LTF to CalRecycle. Mike Mohajer and Glenn Acosta will send example letters on the issue. Glenn Acosta said that the Mike Mohajer letter is good starting point to circulate.

Next CalRecycle Meeting

Tressa Wallace said next CalRecycle meeting is on August 16, and the agenda is not yet available.

IV. ADJOURNMENT

The meeting was adjourned about 12:05 PM.

SWANA LTF AGENDA

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

THURSDAY, August 4th 10:00 P.M. – 12:00 P.M.

I. Business Items

- Next Meeting Date – Conference call September 1st
- Approval of Minutes (July)
- Treasurer's Update (July)
- Other
 - Welcome Jason (Paul, Jason and Tressa)

II. Legislative Matters (Bill Matrix attached)

AB 341 (Chesbro) Solid waste: diversion – Oppose

http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0301-0350/ab_341_bill_20110707_amended_sen_v96.pdf

AB 514 (Hernandez) Public works: prevailing wage: hauling refuse – Oppose

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III. Regulatory Matters

Water Board

- Landfill WDR fee – Stakeholder meeting August 4th at 1 p.m.
- Water Quality Fee Stakeholder meeting – August 15th at 1:30 p.m.

CalRecycle

- MCR Regs – Mixed Waste Processing Revisions July 28th (see forwarded email sent 8/2/11)
- Monthly meeting, August 16th, agenda not available yet

**ATTENDANCE LIST
SWANA LEGISLATIVE TASK FORCE MEETING AUG 4, 2011**

VOTING MEMBER CHAPTER	NAME	ORGANIZATION	PHONE	EMAIL
VM/Gold Rush	*William Merry (Ch)	Monterey RWMD	831-384-5313	wmerry@mrwmd.org
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	*Larry Sweetser	Sweetser and Associates/ESJPA	510-703-0898	sweetser@aol.com
VM/Founding	Glenn Acosta	LA County Sanitation Districts	562-699-7411	gacosta@lacsds.org
VM/Founding	Mike Mohajer	Southern California Waste Management Forum	909-592-1147	mikemohajer@yahoo.com
VM/Founding	John Gullede	LA County Sanitation Districts	562-699-7411 ext 2401	jgullede@lacsds.org
VM/Founding	Constance Hornig	Law Offices	323-934-4601	hornigesq@comcast.net
VM/Founding	Lisa Wood (VC)	City of San Diego	858-573-1236	lwood@sandiego.gov
VM/Founding	John Gullede	LA County Sanitation Districts	562-699-7411 ext 2401	jgullede@lacsds.org
VM/Sierra	Nancy Ewert (T)	Kern County	661-862-8953	nancye@co.kern.ca.us
VM/Sierra	Jim Babcock	Malcolm Pirnie, Inc.	510-301-5063	jbabcock@pirnie.com
Founding	David Tieu	OC Waste and Recycling	714-834-4064	David.Tieu@ocwr.ocgov.com
SWANA CA Chapters Legislative Assistant	<i>Tressa Wallace</i>	<i>Shaw / Yoder/Antwih Inc.</i>	<i>916-446-4656</i>	Tressa@shawyoderantwih.com
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SWANA CA Chapters Legislative Assistant	<i>Jason Schmelzer</i>	<i>Shaw / Yoder/Antwih Inc.</i>	<i>916-446-4656</i>	Jason@shawyoderantwih.com

SWANA LEGISLATIVE TASK FORCE - 2011 BUDGET

July 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			
Sept Dues			
Oct Dues			
Nov Dues			
Dec Dues			\$12,210.00
WESTERN REGIONAL SYMPOSIUM	\$ 7,500.00		
			\$0.00
MOLO COURSE REVENUES	\$ 5,000.00		
			\$0.00
AGENCY CONTRIBUTIONS	\$ 15,000.00		
CH2M-Hill			
Kern County			
San Joaquin County			
City of Folsom		\$750.00	
Merced County			
LA County		\$2,500.00	
City of Sunnyvale		\$750.00	
City of San Diego			
Monterey RWMD		\$2,000.00	
Placer County			
City of Tulare		\$750.00	
Salinas IWMA			\$6,750.00
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			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$2.77
RELEASE FROM RESERVES	\$12,920.00		
			\$0.00
TOTAL BUDGETED REVENUES	\$ 61,440.00		\$18,962.77

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			
Aug-11			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$6,000.00
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			
Aug-11			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$19,470.00
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			
Aug-11			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$270.00
WEBSITE DEV/MAINTENANCE & ROSTER	\$ 1,000.00		
Jan-11			
Feb-11			
Mar-11		\$20.00	
Apr-11			
May-11			
Jun-11			
Jul-11			
Aug-11			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$20.00
MTGS/TELECONFERENCE/WORKSHOP	\$ 3,500.00		
Jan-11			
Feb-11			
Mar-11		\$167.60	
Apr-11		\$327.40	
May-11		\$255.12	
Jun-11			
Jul-11			
Aug-11			
Sep-11			
Oct-11			
Nov-11			
Dec-11			\$750.12
CONTINGENCIES / SPECIAL PROJECTS	\$ 4,000.00		
SWANA WRS		\$336.59	
			\$336.59
TOTAL BUDGETED EXPENSES	\$ 61,440.00		\$26,846.71
July Account Balance			\$44,126.94
PROJECTED CARRY OVER TO 2012	\$ 39,090.88		