

# SWANA CALIFORNIA CHAPTERS

## LEGISLATIVE TASK FORCE (LTF)

### 2009 WORK PLAN

At its annual workshop in November, 2008 the Legislative Task Force identified the following issues as top priorities for the 2009 Work Plan:

- “Raising the Bar” Increased Diversion/Reduced Disposal
  - Local Government Budgets
  - Decline in materials market
  - Commercial Recycling
- Extended Producer Responsibility/Product Stewardship
- Greenhouse Gas / Global Warming / AB 32 Implementation at the ARB
- Potential State Tipping Fee Increases and Proposed Uses Thereof
- Conversion Technologies
- Illegal Dumping
- ADC Diversion Credits/Usage and Enforcement
- Closure and Post Closure
  - Pooled Fund
    - Split Fund Public/Private.
    - Specifics of financial disbursements must be in statute.

The 2009 Work Plan encompasses five major areas of effort and will guide the activities of the LTF and its Legislative Advocate during the 2009 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:** Ensure reasonable 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:** Expeditiously 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 or proposed legislation to implement 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 and disposal measurement.
  2. Support the enforcement of existing ADC regulations versus the development of regulations that restrict the use of ADC.
  3. Monitor / take necessary action to promote lifecycle analyses.
  4. Advocate development of 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 and review requirements for front end

5. Support efforts that require a basic level of training, promote joint training opportunities, and maintain a certification of training for landfill managers and landfill inspectors.
6. Continue to oppose SWRCB efforts to include numeric limits in storm water permits. Continue to advance technical arguments. Take action to educate policy makers on SWANA's concerns regarding feasibility and cost of implementing proposed language.
7. Monitor and take appropriate action on CARB regulations including those stipulated by AB 32.
8. Monitor and provide comments with respect to regulations developed to implement e-waste/universal waste legislation or to revise existing regulations.
9. Monitor AB 2296 post-closure regulations.
10. Monitor proposals that incorporate Environmental Justice issues in regulations; utilize position papers developed by SWANA National as appropriate.
11. Monitor regulations relative to changes in Bottle Bill.
12. Monitor and, if appropriate, oppose regulations which would weaken local government authority, or those that would cause undue financial responsibility for local governments.
13. Monitor the development of Landfill GHG regulations

## 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 various organizations 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; provide comments to 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. Oppose legislation to "Raise the Bar" on diversion/disposal
    - a. Allow SB 1016 implementation before more changes.
    - b. Material markets have decreased greatly
    - c. Local governments do not have the budgets to implement additional programs.
  3. Advocate product stewardship and increased manufacturer and retail 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."
    - a. Support concept of potential EPR legislation
  4. Support legislation to define "organics."
  5. Support legislation to reintroduce the definitions of "economic factors" to SB 1016.
  6. Oppose legislation that would increase state disposal tip fee surcharges unless appropriate.
  7. Monitor and take position(s) as necessary with respect to legislation relating to e-waste/universal waste.
  8. Support only increases in waste reduction mandates which are substantiated based on lifecycle

9. Advocate and support changes to AB 939 with regard to statutory definitions, integration of conversion technologies into the solid waste hierarchy, the extension of diversion credit to conversion technologies, and the removal of legislative obstacles to CT development.
10. Oppose legislation to remove the application of ADC towards AB 939 goals.
11. Monitor and, if appropriate, support further legislation to discourage illegal dumping.
12. Oppose legislation that would usurp local control, including with respect to the existing LEA system. Oppose legislation that would impose any additional financial responsibility on local governments unless consistent with the mission statement.
13. Support greater State involvement in market development for diverted materials.
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 increased recycled content which meets quality and cost effective criteria.
17. Monitor legislation which changes the existing system of siting element conformance.
18. Support legislation that would provide incentives for bioreactor landfills and conversion technology facilities as appropriate.
19. Support legislation which requires a basic level of training, promotes joint training opportunities, and maintains a certification of training for landfill managers and landfill inspectors.
20. Support market-based incentives to increase the use of rubberized asphalt.
21. Support legislation, as appropriate, to encourage the construction of “green buildings.” Encourage the development of uniform statewide standards in this regard.
22. Support legislation to clarify the application of Proposition 218 to solid waste service fees.
23. Support/Promote tax credits and other incentives for Landfill Gas utilization and recycling equipment.

### 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.
  3. Educate SWANA California membership, legislative and regulatory partners on the

4. Maintain LTF website.
5. Promote awareness of 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 transfer/collection/recycling activities.
6. Regarding waste reduction mandates, reach out to organizations like the League of California Cities, CSAC, RCRC and local communities to promote our message, influence their decisions and reach common ground.
7. Maintain and strengthen coalition building with associations with compatible goals and objectives such as:
  - a. California State Association of Counties
  - b. League of California Cities
  - c. RCRC / Rural Counties ESJPA
  - d. California Conference of Directors of Environmental Health
  - e. Local Enforcement Agencies
  - f. County Engineers Association of California
  - g. Private Haulers / Solid Waste Industry Group
  - h. Councils of Government
  - i. American Public Works Association
  - j. Environmental Organizations
  - k. Product Stewardship Organizations
  - l. Department of Public Health
  - m. Board of Pharmacy
8. Enhance education and awareness of SWANA membership through presentation of a legislative and regulatory session at the Western Regional Symposium
9. 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, Applied Research Documents and documents promoting biostabilization and bioenergy landfills (“bioreactors”). 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.

#### **IV. LOCAL CONTROL AND GOVERNMENT ORGANIZATION**

##### **A. Goal:**

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. 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

5. Support efforts to provide local government with greater due process in any enforcement or other directed activity of the Cal/EPA, CIWMB, SWRCB, DTSC, CARB or any other state agency.
6. Retain local authority to provide enforcement authority and designate LEAs.
7. 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 LIFE-CYCLE ANALYSES**

- A. **Goal:** Encourage the State to consider economic and environmental 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 legislation to extend sunset date of RMDZ program.
  2. Support use of RMDZ funds to promote new and expanded markets, including conversion technologies.
  3. Support legislation that would expand markets for diverted materials including the commercialization of conversion technologies.
  4. Oppose legislation/regulations imposing additional unfunded mandates.
  5. 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.