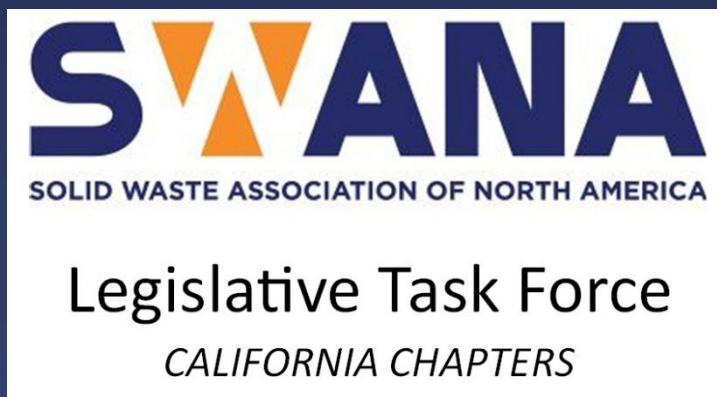


# 2024 LEGISLATIVE AND REGULATORY PLATFORM



## *MISSION STATEMENT:*

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



Created by the SWANA California Chapters Legislative Task Force



# 2024 LEGISLATIVE AND REGULATORY PLATFORM

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# 2024 LEGISLATIVE AND REGULATORY PLATFORM

## Message from the Chair

January 1, 2024

First of all, I want to thank you – the SWANA California Chapters and members – for your dedication to the solid waste industry, for steadfastly representing the interests of local governments, and for trusting us to serve you in this time of ever-changing legislation and regulation. For over 30 years, the SWANA California Chapters Legislative Task Force (LTF) has represented local governments and publicly owned solid waste facilities. Our mission statement summarizes it simply: Advocating for environmentally and economically sound legislation and regulation. And boy, have we been busy the last few years!

Long gone are the days of what now seems so simple – working to comply with AB 939 and providing cost-effective recycling and disposal. Today's issues are complex! And the regulations that address them can be equally complex and challenging to implement. Local governments are still struggling to implement many aspects of the SB 1383 regulation. And we are all familiar with the Little Hoover Commission's report: *Reducing California's Landfill Methane Emissions: SB 1383 Implementation* that includes several recommendations for better addressing methane emissions, including the infamous "pause". I'm proud that many SWANA and LTF members followed this effort closely, commenting at both public hearings and directly to Commission staff to provide local government perspective. While it may be an uphill battle to achieve any substantial improvements to SB 1383, the LTF will continue to advocate for flexibility, common sense approaches, and recognition of efforts made.

Meanwhile, additional bills and regulations have been enacted or are under development that will affect our daily lives as waste management professionals. This year, the LTF actively monitored the progress of the Advanced Clean Fleets Rule, SB 54 regulation which will affect the collection and processing of single use plastics, AB 1201 which may affect the collection and processing of compostable plastics, and others – and we will continue to monitor these developments in the coming year.

I am happy to say that there are positive changes to look forward to. As advocates for producer responsibility, the LTF supported the development of bills such as AB 2 (solar panels), AB 863 (carpet), SB 244 (right to repair), SB 560 (gas cylinders), SB 665 (vehicle batteries), and SB 707 (textiles). We will actively engage as these continue in 2024.

Again, thank you SWANA California chapters and members for trusting us to represent you. Thank you to all the agencies that support us financially, allowing us to do this work. Thank you SYASL for your expertise and strategic guidance. And a heartfelt thank you to the members of the LTF – your passion, expertise, and dedication of your own time to make a difference amazes me every day. It is a pleasure and honor to serve with you. I look forward to another year as your Chair.

*Christina Hanson, Chair*

# 2024 LEGISLATIVE AND REGULATORY PLATFORM

## Overview

The Solid Waste Association of North America (SWANA) is the world's largest association of solid waste professionals (more than 10,000 members). SWANA's three California chapters – Founding, Sierra, and Gold Rush - represent more than 1,100 of those members. The California Chapters Legislative Task Force (LTF) represents the California Chapters on solid waste-related legislative and regulatory issues, including:

- Collection and Processing: collection, transfer, processing and/or pre-processing, and hauling solid waste (refuse, organics, recyclables);
- Disposal: disposing of refuse and residue from collection routes and non-disposal facilities;
- Resource Recovery and Marketing: sorting and marketing of recyclables and processing organics for compost or conversion to fuel or power;
- Regulatory Compliance: regulatory reporting and compliance.

The LTF advocates for environmentally- and economically-sound solid waste legislation and regulation. The LTF contracts with Shaw Yoder Antwih Schmelzer & Lange (SYASL) for legislative and regulatory advocacy services.

At the end of each year, the LTF prepares this Legislative and Regulatory Platform. It is comprised of:

- An Advocacy Report - summary of the prior year's activities (2023) and
- A Work Plan - plan and priorities for the coming year (2024).

This document also provides information on historic legislation and regulations that continue to be policy drivers and information on the activities and policy principles of the LTF. Additional information regarding the work of the LTF, including all advocacy documents, can be found on the LTF website: <https://swanacal-leg.org>.

# 2023 ADVOCACY REPORT

## 2023 Advocacy Report

### A. Teleconferences and Meetings

In 2023, the LTF continued to hold monthly meetings via Zoom to monitor and take positions on bills and draft regulations. Meeting notes were recorded, approved, and provided to the Chapters electronically (see <https://www.swanacal-leg.org/ltf-approved-meeting-minutes>). The LTF prepared a 2023 LTF budget and Legislative and Regulatory Platform, which was reviewed and approved by the LTF membership and submitted to the three California Chapters in January.

SYASL, the LTF's contracted legislative advocate, continued to work closely with the LTF, stakeholders, legislators, and legislative staff on SWANA LTF's 2023 legislative priorities. The LTF's 2024 planning meeting was conducted in person November 30 – December 1, 2023, with this 2024 Legislative and Regulatory Platform as the resulting product.

### B. Comments / White Papers / Fact Sheets

The LTF prepared facts sheets in 2023 addressing the following issues:

- Solar Panels
- Per- and Polyfluoroalkyl substances (PFAS),
- SB 1383 Organics Procurement
- SB 1383 Edible Food Recovery
- Electric Vehicle Batteries
- CARB Advanced Clean Fleets Regulations

Fact sheets are used to communicate to legislators and other stakeholders a particular issue or area of interest on which the LTF plans to advocate or otherwise engage. Fact sheets and other LTF documents are posted on the LTF website at <https://swanacal-leg.org/> (must log in to access). The LTF encourages SWANA members to register on the website in order to access all of its information.

### C. Outreach

As needed, the LTF conferred with and provided comments to many other entities interested in solid waste and recycling. Below is a list of entities the LTF commonly engages with (not necessarily all were contacted in 2023).

# 2023 ADVOCACY REPORT

Outreach	
Group	Individuals
Government organizations	Cal Cities/League of California Cities CSAC / California State Association of Counties RCRC / Rural County Representatives of California AB 1583's Statewide Commission on Recycling Markets and Curbside Recycling Little Hoover Commission
Public interest associations	CRRA / California Resource and Recovery Association CAW / Californians Against Waste CPSC / California Product Stewardship Council NSAC / National Stewardship Action Council
Industry groups and individual corporations	SWIG / Solid Waste Industry Group CWRA / California Waste and Recycling Association RRCC / Resource Recovery Council of California CWHC / California Waste Haulers Council
Elected officials	Legislators and their staff
Regulators and their staff	CalRecycle SWRCB / State Water Resources Control Board (and Regional Boards) CARB / CA Air Resources Board (and Regional Air Districts)

# 2023 ADVOCACY REPORT

## D. LTF Website

The LTF continues to update its website, <https://swanacal-leg.org/> to make it more user friendly and useful to SWANA members, local government representatives, and the general public. The website provides:

- LTF meeting minutes packages
- Bill matrices with monitored bills and LTF positions
- White Papers and Fact Sheets
- Comment letters
- Annual Work Plans and more

Note that SWANA members must register on the site for full access.

## E. 2023-24 State Budget

Facing a deficit north of \$30 billion this year, California managed to pass a timely and balanced budget by employing a combination of new revenues and targeted cuts. However, a variety of factors disrupted the budget process in 2023, including a significant delay in tax filings for Californians impacted by winter storms and flooding. Because of this California updated the budget bill in September before the legislature adjourned, passing what is known as "Budget Bill Jr.," or a second budget that alters the previously passed spending plan.

There were several items in the budget bills that may impact SWANA members:

- The budget maintains \$10.1 billion of investments over six years to pursue the state's ZEV agenda.
- The budget maintains \$443 million in investments to support implementation of goals to reduce short-lived climate pollutants and advance organic waste infrastructure. This reflects a \$25 million reduction in funding from last year's budget specific to composting and recycling feasibility grant programs.
- \$2.3 million is budgeted for CalRecycle to create a zero-waste plan that serves as a roadmap for the transition to a true circular economy.

The legislature passes a variety budget trailer bills as part of the budget every year, and those trailer bills are organized by policy area. This year the legislature passed two trailer bills that may concern SWANA members:

- The trailer bill covering natural resources policy was contained in SB 122. This year there was only one minor change that concerns SWANA, and that was a change in the schedule of cost reimbursement that a sharps PRO must pay to CalRecycle.



# 2023 ADVOCACY REPORT

- The energy trailer bill was contained in two separate bills this year – SB 123 and SB 124. SB 123 contained a provision that gives CARB extra time to develop a framework to achieve a 40% reduction in greenhouse gas emissions from building materials. The framework was due 7/1/2025, and the deadline has been extended to 12/31/2026. There were no provisions of importance to SWANA members in SB 124.

The budget picture going forward is murky. California bridged a substantial budget deficit this year without dipping into the state's various reserve funds, but it was able to do so because of multi-year funding that could be clawed back or repurposed. As time advances some of those budget solutions disappear or become less workable from a variety of perspectives.

The state's revenues for the coming year are also unclear. Delays in filing deadlines for Californians impacted by the winter storms of 2023 have been extended into November, so the reasons for subpar tax receipts are unclear. It could be that large taxpayers are delaying the payment of taxes because they can, or there could be a significant deficit. The situation is expected to solidify by early December.

## F. 2023 Legislative Positions

The LTF advocated very successfully during the past year. Below is a summary table of legislation on which the LTF took a formal position and the graphics below the table reflect the 736 industry related bills closely monitored by the LTF during the 2023 legislative session.

When the legislature adjourned on September 14, 2023, 1,100 of the roughly 2,600 introduced bills had been passed by both houses and sent to Governor Newsom, who had until October 14, 2023, to sign or veto bills. The final weeks of the legislative session were dominated by controversial bills on labor policy, climate change, housing and homelessness, criminal justice, and reproductive rights. The SWANA LTF tracked a total of 73 individual pieces of legislation, as well as several regulations and budget-related items. The LTF also took active positions on 18 bills.

# 2023 ADVOCACY REPORT

Bill Number	Position/Description/Status
<a href="#">AB 2</a>	<i>Support in concept.</i> Bill expands the current visible fee Electronic Waste program (Covered Electronic Waste) to include “Customer-Owned” solar panels and further creates an Extended Producer Responsibility (EPR) program for all Non-Customer-Owned panels. <i>Status: Two-Year Bill</i>
<a href="#">AB 347</a>	<i>Support if Amended.</i> Bill requires DTSC to adopt guidance regarding the PFAS prohibition of and labeling requirements for cookware. <i>Status: Two-Year Bill</i>
<a href="#">AB 573</a>	<i>Support if Amended.</i> Bill would allow a local jurisdiction to procure California-derived recovered organic waste that the local jurisdiction sends for processing at a facility or operation outside of the state. <i>Status: Died in Senate Appropriations Committee</i>
<a href="#">AB 592</a>	<i>Watch.</i> This bill, until January 1, 2028, would authorize the Counties of Alameda, Contra Costa, and Solano to create a 3-year pilot program to regulate the transport of solid waste by commercial nonfranchise solid waste haulers on public roads in unincorporated areas of the county. <i>Status: Chaptered into law.</i>
<a href="#">AB 660</a>	<i>Watch.</i> Bill would require on and after January 1, 2025 a food manufacturer, processor, or retailer responsible for the labeling of food items for human consumption to use “BEST if Used by” to indicate quality, and “Use by” to indicate safety of a product, and prohibits the use of “Sell by.” <i>Status: Two-Year Bill</i>
<a href="#">AB 727</a>	<i>Support.</i> This bill, beginning January 1, 2026, would prohibit a person from manufacturing, selling, delivering, distributing, holding, or offering for sale in the state a cleaning product that contains regulated PFAS. <i>Status: Vetoed by the Governor.</i>
<a href="#">AB 863</a>	<i>Support in concept.</i> Bill would improve accountability for the carpet EPR program by increasing civil penalties for violating relevant laws and making repeat offenders ineligible to run this program. <i>Status: Two-Year Bill</i>
<a href="#">AB 895</a>	<i>LTF Sponsored Bill.</i> This bill was a placeholder for potential Little Hoover Commission recommended legislation related to their report on SB 1383 implementation. <i>Status: Two-Year Bill</i>

# 2023 ADVOCACY REPORT

<a href="#">AB 909</a>	<i>Support.</i> Bill would make illegally disposed hazardous wastes eligible for funding under the CalRecycle’s illegal dumping grant program. <i>Status: Died in Assembly Appropriations Committee</i>
<a href="#">AB 1238</a>	<i>Support in concept.</i> Bill would require DTSC to develop alternative management standards for recycling solar panels. <i>Status: Two-Year Bill</i>
<a href="#">AB 1290</a>	<i>Support.</i> Bill would prohibit, beginning January 1, 2026, a person from manufacturing, selling, offering for sale, or distributing in the state, (1) opaque or pigmented polyethylene terephthalate bottles, and (2) plastic packaging that contains certain chemicals, pigments, or additives. <i>Status: Two-Year Bill</i>
<a href="#">AB 1489</a>	<i>Watch.</i> This bill would specify that compostable covered materials are not subject to the source reduction requirements of the Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54), thereby exempting compostable plastics. <i>Status: Vetoed by the Governor.</i>
<a href="#">AB 1534</a>	<i>Oppose unless Amended.</i> Bill would have required CARB to evaluate and, if feasible, regulate the use of methane remote sensing data. <i>Status: Died in Assembly Appropriations Committee</i>
<a href="#">AB 1548</a>	<i>Support.</i> Bill expands CalRecycle’s GGRF funded grant program scope of the grant program to include providing financial assistance to promote in-state development of projects to sort and aggregate organic and other recyclable materials or to divert items from disposal through enhanced reuse opportunities. <i>Status: Chaptered into law.</i>
<a href="#">AB 1594</a>	<i>Support if Amended.</i> Bill would define a public agency utility to include a local publicly owned electric utility, a community water system, a water district, and a wastewater treatment provider. <i>Status: Chaptered into law.</i>
<a href="#">AB 1705</a>	<i>Oppose.</i> Bill would prohibit a person from establishing or expanding a transformation facility or an EMSW conversion facility in the state until CalRecycle has determined that the state has achieved its solid waste and organic waste policy goals for 3 consecutive years. <i>Status: Two-Year Bill</i>
<a href="#">SB 303</a>	<i>Watch.</i> This bill would amends SB 54 by: 1) revising the definition of "recycling," 2) revising the definition of "responsible end markets." <i>Status: Vetoed by the Governor.</i>

# 2023 ADVOCACY REPORT

<a href="#">SB 244</a>	<i>Support.</i> Bill would manufacturers of consumer electronics to provide replacement parts, diagnostic information, and service literature to consumers and third-party repair businesses. <i>Status: Chaptered into law.</i>
<a href="#">SB 560</a>	<i>Support in Concept.</i> Bill would establish an Extended Producer Responsibility (EPR) program for non-refillable compressed gas cylinders under 20 lbs or 5 gallons, including propane, MAPP gas, non-medical oxygen, butane, iso-butane, and helium. <i>Status: Two-Year Bill</i>
<a href="#">SB 615</a>	<i>Support in Concept.</i> Bill would require vehicle manufacturers, dismantlers, and secondary users to be responsible for end-of-life management of these batteries and ensure all electric vehicle traction batteries are recovered, reused, repurposed, remanufactured, or recycled. <i>Status: Two-Year Bill</i>
<a href="#">SB 707</a>	<i>Watch.</i> Establishes an extended producer responsibility (EPR) program for waste textiles. <i>Status: Two-Year Bill</i>
<a href="#">SB 777</a>	<i>Support.</i> Bill would have required a store to retain the collected moneys to also be used for costs associated with providing consumers with an opportunity for returning reusable grocery bags to the store for recycling. <i>Status: Vetoed by the Governor.</i>
<a href="#">SB 806</a>	<i>Support.</i> Bill amended previously approved SB 1111 (2022) to add flexibility by reducing the size of the required reflective markings, change the required placement, and expand the types of reflectors that meet the requirement. <i>Status: Chaptered into law.</i>
CARB	Letters regarding the AB 32 Scoping Plan update and the Advanced Clean Fleets (ACF) Rule. ACF would require 100% electrified waste and recycling collection fleets by 2042 at the latest. Tiered levels up until 2042.



## **Number of Bills Tracked by the LTF:**

- Assembly: 47
- Senate: 26
- **Total of 73**

# 2023 ADVOCACY REPORT

Solid waste and recycling continue to be a very active policy area in the state legislature. Members have an interest in the subject, and there are a variety of subcategories of policy where they can engage. Whether it's contracting issues, organic waste, recycling, hazardous waste, or EPR policy, there is a high level of engagement in the legislature. We expect to see many bills every year, along with a healthy amount of regulatory activity.

Both houses of the state legislature ended the year with a new leader either in place or selected for eventual ascension. Assemblymember Robert Rivas (D – Hollister) prevailed in his sustained campaign to depose and replace Speaker Anthony Rendon (D – Los Angeles) and took the helm officially on June 30<sup>th</sup>. Senate President Pro Tempore Toni Atkins, who is soon expected to announce a 2026 gubernatorial campaign, worked with her caucus to elect a successor. Senator Mike McGuire (D – Santa Rosa) will be the next President Pro Tempore of the Senate at the end of January 2024. McGuire, though, is termed out of office in 2026 so his leadership will be short-lived, and he's seen as more of a trustworthy transitional figure. With these leadership changes we are likely to see new Chairs for key policy committees in the coming year.

# 2023 ADVOCACY REPORT

## Policy Drivers

### A. State Requirements to Increase Waste Diversion

Several bills have been enacted in recent years that have significantly impacted the solid waste industry and local governments. More notable ones include:

- **AB 341 (2011)** - Establishes a State policy goal that 75% of solid waste generated be source reduced, recycled, or composted by 2020; imposed mandatory commercial recycling (MCR) on businesses and multi-family dwellings (MFD).
- **AB 1594 (2014)** – No longer allows the use of green material as alternative daily cover or alternative intermediate cover to constitute diversion and is now considered disposal for purposes of AB 939.
- **AB 1826 (2014)** - Requires certain businesses and MFD to recycle organic waste and jurisdictions to implement organic waste recycling programs. “Organic waste” defined as food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper.
- **AB 901 (2015)** - Requires recycling, disposal, and compost facilities and others to report to CalRecycle the types, quantities, jurisdiction of origin, and destinations of materials disposed, sold, or transferred in or out of the state (aka Recycling and Disposal Reporting System).
- **SB 1383 (2016)** – Required the Air Resources Board (ARB) to develop and implement a strategy to reduce short-lived climate pollutants, including methane from landfills (adopted in March 2017). Required CalRecycle to adopt regulations to achieve a 50 percent reduction of statewide organic waste landfill disposal by 2020, a 75 percent reduction by 2025, and no less than 20 percent recovery of edible food “currently” disposed by 2025. CalRecycle adopted regulations in November 2020.
- **AB 617 (2017)** - Requires the state to track emissions of criteria air pollutants and toxic air contaminants of stationary sources, deploy community air monitoring systems in select communities, and implement a statewide strategy to reduce emissions of toxic air contaminants and criteria pollutants in priority communities.
- **SB 54 (2022)** – Establishes a new extended producer responsibility (EPR) program for packaging and single use plastic products that will affect every sector of the economy, including solid waste collection and processing.

# 2023 ADVOCACY REPORT

## **B. State Climate Change and Renewable Energy Requirements**

Solid waste management and legislation in California is often driven by state policies related to climate change and renewable energy. Some of the more notable climate and energy related legislation and policies enacted in recent years include:

- **SB 32 (2015)** – Extended cap-and-trade program to 2030
- **SB 350 (2015)** – Extended Renewable Portfolio Standard to 50% by 2030
- **SB 1383 (2016)** – Sets goals to reduce Short-Lived Climate Pollutants, including 40% reduction below 2013 levels in methane emissions by 2030
- **Short-Lived Climate Pollutant Strategy (2017)** – CARB strategy to reduce livestock and landfill methane emissions via organic waste diversion
- **SB 100 (2018)** – Sets goal for renewable energy and zero-carbon resources to supply 100% of retail sales of electricity by 2045.
- **CARB Scoping Plan (2022)**: The Plan assesses progress towards achieving the Senate Bill 32 2030 target and lays out a path to achieve carbon neutrality including through diversion of organic waste.
- **CARB Advanced Clean Fleets (2023)**: This regulation requires the phased-in use of Zero-Emission Vehicles for targeted fleets – including local government fleets – and requires manufacturers to only produce ZEV trucks in 2036.

# 2024 WORK PLAN

## 2024 Work Plan

### Legislative and Regulatory Priorities

This coming year, LTF advocacy will focus on the priority issues listed below. Once new bills are introduced in 2024, additional priorities may be identified.

### Organic and Recycling Infrastructure Development/SB 1383 Compliance

**Issue:** SB 1383 (Lara, Chapter 395, Statutes of 2016) established methane emissions reduction targets in a statewide effort to reduce short-lived climate pollutants (SLCP). Specifically, it establishes targets to:

- achieve a 50% reduction in statewide disposal of organic waste by 2020;
- achieve a 75% reduction by 2025; and
- recovery of no less than 20% of currently disposed edible food by 2025.

CalRecycle adopted regulations in November 2020 which require, among other things, organic waste recycling mandates on all generators; expanded definition of “organic waste”; recovered organic waste product procurement; edible food recovery, landfill and MRF performance standards; record keeping and reporting; capacity planning; jurisdiction enforcement; and potential penalties on jurisdictions up to \$10,000 per day. The regulation offers limited waivers for generators in high elevation and/or low population areas. Implementation funding was not part of the legislation, putting the economic burden of implementation on local jurisdictions and their ratepayers.

Since the passage of SB 1383, the LTF has actively been engaged with CalRecycle and State lawmakers regarding the urgent need for both funding and infrastructure to comply with the requirements of Senate Bill SB 1383. While the LTF and other industry partners were successful in convincing the Legislature and the Governor to provide funding in FY 21- 22 and FY 22-23, due to the current budget deficit, no new funding was allocated in FY 23-24. In March 2023, the LTF signed onto a coalition letter urging the legislature to protect the \$345 million from FY 21-22 and FY 22-23 for SB 1383 Implementation Grants and the Organic Waste Infrastructure Program. To date, that funding remains intact.

Implementation, however, remains challenging as jurisdictions continue to struggle to finance new programs and infrastructure and implement the highly complex and confusing regulatory requirements such as procurement, facility measurements, and reporting to name a few. At Lobby Day in March, the LTF presented Fact Sheets summarizing challenges specifically with the procurement mandate and edible food implementation and advocating for more funding and flexibility. The LTF’s Fact Sheets on this topic is on the LTF website at <https://swanacal-leg.org/>.



# 2024 WORK PLAN

The LTF will continue to engage with other SWANA and industry members to understand challenges in implementation and advocate for reasonable reform.

## **Actions:**

1. Continue to encourage the Legislature to allocate funding (e.g., GGRF, Cap & Trade, etc.) for SB 1383 implementation and expansion of organics infrastructure. Urge CARB and CalRecycle to support such funding.
2. Continue to monitor local government implementation and the efforts of other industry groups to stay apprised of challenges, successes, industry needs, and advocacy efforts.
3. Continue to advocate for increased flexibility related to Procurement, including additional eligible products and alternatives to comply.
4. Advocate for the development and use of alternative technologies to divert organic materials that cannot be diverted via aerobic composting and/or anaerobic digestion (AD).
5. Support legislation that aligns with LTF priorities, including regarding conflicting state priorities, rural California, focus on super-emitters, and separating edible food from 1383.
6. Continue to advocate as a requirement for CalRecycle and CARB to identify alternative markets for and support ongoing use of Renewable Natural Gas (RNG).
7. Work with CalRecycle to clarify and streamline the requirements related to collection and solid waste facility sampling requirements to verify contamination of organics loads and organic waste recovery rates.
8. Emphasize that achieving organic waste reduction goals is a shared responsibility between the waste sector, State government, local agencies, business community, and the public. Encourage permit streamlining. Monitor and share with the local chapters information regarding Calrecycle enforcement.

## **Little Hoover Commission SB 1383 Report**

California's Little Hoover Commission, an independent state oversight agency, released a report on the Senate Bill (SB) 1383 organic waste disposal reduction regulations on June 8, 2023. The report is titled, "Reducing California's Landfill Methane Emissions: SB 1383 Implementation." For a copy of the report, see <https://lhc.ca.gov/report/reducing-california%E2%80%99s-landfill-methane-emissions-sb-1383-implementation>.

# 2024 WORK PLAN

As background, the Little Hoover Commission (LHC) was created in 1962 to investigate state government operations and policy, and through reports and legislative proposals, make recommendations to the Governor and Legislature to promote economy, efficiency, and improved service in state operations. The subject report provides an update on the status and challenges of SB 1383 implementation, calls on the state to take immediate action to overcome these challenges, and includes the following 12 recommendations:

1. The Legislature should enact a temporary pause to SB 1383 implementation.
2. The State should fund an educational campaign on the importance of SB 1383.
3. California Environmental Protection Agency, California Department of Resources Recycling and Recovery (CalRecycle), and the California Air Resources Board should coordinate to prevent conflicting directives on waste processing and produce consistent and clear guidelines on how to meet statutory and regulatory requirements. Additionally, they should work together and with other state agencies to streamline permitting requirements to construct necessary infrastructure.
4. The Legislature and Governor should require a 11 multidisciplinary team to develop recommendations on how to expand market opportunities for recycled organic waste, and then work to implement those recommendations.
5. The State should allow flexibility in procurement by allowing additional products as well as products created from California-derived materials that are processed at out-of-State facilities.
6. The State should support near-zero emission vehicles until commercially viable zero-emission vehicles are available in the waste sector.
7. The State should exempt counties that produce less than 200,000 tons per year of waste from SB 1383 requirements.
8. The State should encourage and provide incentives to use community composting in addition to or in lieu of curbside collection.
9. CalRecycle should learn from industry and from other countries and should field test the regulations.
10. The State should remove edible food recovery from the SB 1383 requirements.
11. The State should monitor and mitigate super-emitter facilities.
12. The State should conduct a holistic cost-benefit analysis, should provide resources to State agencies to implement changes, and should not rely on competitive grants to meet basic requirements.

# 2024 WORK PLAN

The LTF engaged with the LHC throughout development of the report. Several LTF and/or SWANA members testified during the stakeholder process which included public hearings in July, August, and September, and a September 22, 2022 roundtable discussion. Many provided feedback directly to LHC staff behind the scenes through various meetings and interviews.

The final report was approved by the LHC on May 23, 2023. At that meeting, the Director of CalRecycle, Ms. Rachel Machi Wagoner, and some waste industry representatives expressed strong opposition to the “pause” recommendation, stating that it would be detrimental to previous and future investments in organic waste management programs and infrastructure. The commissioners expressed support for the goals of SB 1383 and acknowledged the importance of reducing methane emissions. They stated that they were aware of investments made in reducing organic waste disposal, but felt that achieving the goals within the established timeframe would be challenging, and that a pause in implementation would provide time for necessary changes to infrastructure, clarification of the shared responsibility between state agencies and local government, development of a realistic financing plan, and community education.

The LTF continued to engage with the LHC even after the report was approved. Through calls and meetings with Commission staff in September, October, and November 2023, the LTF sought to understand their next steps, discuss the “pause” recommendation, and communicate LTF priorities. Commission staff indicated they would be reaching out to legislators and their staff – to gauge interest in new legislation to implement the recommendations – in late 2023 and early 2024. Additionally, the LTF attended various industry discussions on the report and relayed to Commission staff that there was widespread concern with the “pause” recommendation – although most felt positive about the report as a whole. Commission staff clarified that their intent was not for a complete pause in SB 1383 implementation, but rather a pause in CalRecycle enforcement while the state, industry, and others implement the recommended actions – however it may be that the damage is done, and it will be challenging to find interest in any widespread SB 1383 reform. The LTF will remain engaged and continue to represent local governments’ interest throughout any legislative processes.

## Single-Use Plastics and Packaging

**Issue:** SB 54 (Allen, Chapter 75, Statutes of 2022) established the Plastic Pollution Prevention and Packaging Producer Responsibility Act. Among other things, it:

- Prohibits a producer from offering covered materials in the state unless it is approved to participate in the producer responsibility plan;
- Requires that covered materials be reduced by 25%, achieve a recycling rate of 65%, and be 100% compostable or recyclable by 2032; and

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- Directs CalRecycle to develop regulations, appoint an advisory board, publish a list of recyclable/compostable material categories, and conduct a needs assessment.

As background, single-use plastics are goods that are made primarily from fossil fuel–based chemicals (petrochemicals) and are meant to be disposed of right after use. They are most commonly used for packaging and food service ware. While plastic waste generation is soaring in the U.S., the recycling rate is falling. Only five to six percent of municipal [plastic waste was recycled](#) in 2021, compared with almost nine percent in 2018, prior to China’s National Sword/Blue Sky policy. Additionally, plastic waste has numerous negative environmental and health impacts. SB 54 intends to reduce the amount of single-use packaging and food ware generated in the state and significantly increase the recycling of covered materials by creating an EPR program that requires producers to take responsibility of the end of life management of the products they produce.

SB 54 will impact solid waste programs. By requiring, among other things, local jurisdictions and recycling service providers to include covered material in their collection and recycling programs, this bill imposes a state mandated local program. Regulated parties (i.e. the producer organization) will ultimately reimburse local jurisdictions for these costs as the legislature’s intent is that “local jurisdictions will be made financially whole for any new costs incurred”. However, the state may need to initially reimburse local jurisdictions for any costs incurred until PRO reimbursement funds become available. Additionally, local jurisdictions will need to engage and provide CalRecycle with information regarding the existing and new costs needed to collect and process the covered materials.

The LTF followed the initial progress of the regulation development, including attending CalRecycle informal regulatory workshops on SB 54 as well as other related efforts such as SB 343 (truth in labeling as “recyclable”) and AB 1201 (truth in labeling as “compostable”). Most recently, LTF submitted written comments as well as verbal comments at the November 1 workshop where CalRecycle solicited input regarding whether it would be feasible to separate the processing of products that are not acceptable compost feedstocks under the National Organic Program (NOP), e.g. compostable plastics, from collection of organic wastes that are acceptable compost feedstocks under the NOP. As explained in our 2023 Work Plan, the author published a letter to the Assembly Journal clarifying that was not the intent of the legislation (the intent was bifurcated *labeling*), so we will continue to push back on this effort as industry has clearly communicated that it would not be feasible to process or collect these materials separately.

## **Actions:**

1. Engage in the development of SB 54 regulations, including development CalRecycle’s needs assessment and covered material lists, and other related

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efforts (e.g. SB 343 and AB 1201 regulation).

2. Support efforts to reduce the amount of unrecyclable, single-use plastics and packaging.
3. Support legislative and administrative activities that fund and/or that improve the markets for recyclables, make recycling processes more efficient, and provide funding to develop capacity to recycle more and in more community locations. Support legislative activities that advance private/public collaborations and partnerships on the coordinated development and sale of products with the plastic manufacturers and the reclamation and recycling partners to provide for products that were designed to be recycled.
4. Support policies and initiatives that increase the value of recycled materials including funding for research and introduction of new technology, improve sorting and handling technology, and support chemical and thermal conversion technology, etc.
5. Support policies that encourage single use plastic substitution (ex: laundry detergent containers to pods)
6. Support policies that encourage or require the installation of filtered water refill stations to reduce single-use plastic water bottles.
7. Support policies and measures to restrict the use of microplastics in products and address and reduce the unintentional release of microplastics into the environment.
8. Support policies that reduce plastics as much as possible when shipping to customers or receiving from a supplier, using plastic-free packaging options made from compostable and biodegradable materials such as recycled paper pulp.

## **Special Wastes: Lithium Batteries; Vaping Wastes; PFAS; Photovoltaic Modules; Compressed Gas Cylinders**

There are numerous consumer products the solid waste industry commonly encounters that are hazardous or difficult to manage. For these products, the LTF advocates for producer responsibility for end-of-life management. A few such products that the LTF is currently focused on are discussed in the sections below.

### **Lithium Ion Batteries**

**Issue:** There is concern surrounding the dangers posed by the improper disposal of lithium-ion batteries, which are used to recharge just about everything in our modern world. The waste and recycling industry urgently needs policy solutions to

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protect our workforce, first responders, and the general public from the threat of lithium-ion battery fires that are destroying property and endangering lives.

Lithium-ion battery fires caused by improper recycling or disposal are increasingly impacting the waste and recycling industry, resulting in heavy damage to or total losses of our members' collection trucks and materials recovery facilities. Each of these fires can cost the industry hundreds of thousands if not millions of dollars while also endangering the lives of industry workers as well as firefighters and first responders who answer the call. Both Lithium Ion and Lithium Metal Batteries (Li Batteries) have the potential to catch fire and explode when crushed or penetrated, and thus pose a significant public health and safety risk, as well as proven, significant risk to infrastructure – especially to solid waste transportation and processing facilities in California and across the nation. The introduction of high-capacity lithium batteries (>300 watt-hours) and electric vehicle batteries are contributing to increases of the hazards associated with mismanagement.

In 2022, two bills were enacted to reduce the impacts of improperly disposed lithium batteries, each with distinct and separate goals and each will result in a new regulation. AB 2440 addresses *loose batteries* under an EPR program to be developed and operated by the battery industry. SB 1215 expands the existing e-waste (Covered Electronic Waste or CEW) program to include embedded-battery products, which is operated by CalRecycle. CalRecycle must develop regulations for each program by 2025, and the LTF will engage in those regulatory processes in 2024.

In 2023, an LTF subcommittee was formed to collaborate with industry and SWANA partners to gather data related to battery and other hazardous waste-related challenges and incidents experienced by haulers and facility owners/operators. As part of this effort, the subcommittee developed an industry survey that will be deployed in 2024. The information obtained will be used to inform the development of industry resources, such as education, training materials (e.g. battery handling and fire prevention), model programs, and other resources.

## **Lithium Battery Actions:**

1. Work with CalRecycle during the regulation promulgation phase for both AB 2440 and SB 1215.
2. Continue the LTF subcommittee's work to gather data and develop industry resources.
3. Work with industry to identify environmentally responsible solutions to Lithium Batteries issues, such as promoting durability, recyclability, and/or "Right to Repair" legislation. [Note, in 2023, SB 244 (Eggman,

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2023) regarding the “Right to Repair” small devices was signed into law.]

4. Support policies and increase awareness that reduce risk associated with collection, transport and disposal of Li-ion Batteries.
5. Support policies that increase safety and reduce fire risk associated with Electric Heavy duty Vehicle fires and charging infrastructure.
6. Support funding for training on LI-ion illegally disposed materials and on electric vehicle fires for emergency responders, solid resources fleet operators, transfer yard operators and truck drivers.

## Vaping Waste

**Issue:** Single-use vaping devices and e-cigarettes present a serious environmental and public health problem and contribute to the already significant tobacco product litter and pollution problems. These devices have a small lithium-ion battery (universal waste), a small circuit board (e-waste), and a nicotine containing pod (“p-listed” RCRA hazardous waste), along with other materials, making waste management challenging. They are also prone to explode or catch fire. Currently, there are limited ways to process these devices in California due to the variety of components and how those components are regulated. The LTF supported in concept AB 1690 (bill died in the 2021-22 session), which attempted to restrict the sale of single-use vaping devices. SB 1215 (passed in 2022), which will add products to the CalRecycle Covered Electronic Waste Recycling Program, will apply to cannabis vaping devices that contain embedded batteries but will not apply to tobacco devices due to the nicotine / hazardous waste issue noted above.

### Vaping Waste Action:

1. Continue to support legislation that provides waste management solutions for vaping devices. Identify/develop/suggest solutions.

## Per- and Poly-fluoroalkyl Substance (PFAS)

**Issue:** Recent and upcoming regulatory actions related to Per- and Polyfluoroalkyl Substances (PFAS) could affect the solid waste industry. As background, PFAS are a human-made family of compounds that are resistant to heat, water, and oil. They are commonly used for non-stick or water-resistant coatings on paper plates, cookware, pizza boxes, textiles, cosmetics, floor waxes and many other products, which often are disposed of in landfills and other solid waste management facilities. Research indicates a potential for health impacts related to presence of PFAS in the environment, particularly as a contaminant in groundwater. PFAS contamination in groundwater has been found in many wells in California, and the State is continuing to require monitoring and assessment by water purveyors and

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other facilities to understand the extent and severity of groundwater contamination. Landfills (e.g. via leachate) have been identified as one source of PFAS in both groundwater and municipal wastewater (i.e. when leachate is discharged to the sewer system), and the US Environmental Protection Agency (EPA) is developing an Effluent Limitation Guidelines that could lead to leachate treatment requirements for those facilities discharging to the sewer. In 2023, EPA proposed Maximum Contaminant Levels for PFOS (perfluorooctane sulfonate) and PFOA (perfluorooctanoic acid) and four other PFAS compounds (in combination), which are expected to be finalized in 2024. Additionally, in 2022, EPA proposed to designate PFOS and PFOA as hazardous substances under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This could be a significant source of liability for landfill owner/operators since they may be identified as a source or contributor to surface water or groundwater contamination. There are many additional efforts underway to assess or regulate either the use or discharge of PFAS under EPA's PFAS Roadmap (2021) and throughout various agencies in the federal government.

At its 2023 Lobby Day, the LTF educated Legislators on various challenges and needs as they pertain to landfills, such as the need for standardized analytical methods and regulatory standards to ensure data collection is accurate and reliable, clean up funds to mitigate contamination sites, that landfills as passive receivers are not held liable, and legislation to reduce intentional use of PFAS in products and packaging and promote product reformulation and stewardship.

In 2023, three bills were passed by the Legislature that would have phased out PFAS in various product types: AB 246 (Papan) (menstrual products), AB 727 (Weber) (cleaning products) and AB 1423 (Schiavo) (artificial turf), but all three bills were vetoed by Governor Newsom. The Governor indicated that, while he supports the intent of these bills, he is concerned that they fall short of providing enhanced protection to California consumers due to lack of regulatory oversight. The Governor directed the Department of Toxic Substances Control to engage with the Legislature and consider alternative approaches to regulating the use of these harmful chemicals in consumer products. Nonetheless, there are five bills that were previously enacted to phase out the use of PFAS in products: AB 1817 (Ting) (textiles and clothing), AB 2771 (Friedman) (cosmetic products), AB 652 (Friedman) (children's clothing and products), AB 1200 (Ting) (cookware and food packaging), and SB 1044 (Allen) (firefighting foam).

Several state agencies are working on efforts to assess the extent of PFAS releases and emissions and to develop regulatory standards for PFAS, including the Office of Environmental Health Hazard Assessment (OEHHA), which is developing Public Health Goals for PFOS and PFOA. The State Water Resources Control Board has issued several Statewide Investigative Orders to several types of industries (including landfills) and established Notification and Response Levels for PFOA, PFOS, PFBS (Perfluorobutane Sulfonic Acid), and PFHxS (Perfluorohexane Sulfonic



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Acid). In some cases, Regional Water Boards are issuing follow-up orders to entities like landfills to require additional investigations and, potentially, cleanup of PFAS-contaminated groundwater. The Department of Toxic Substances Control (DTSC) is working on advancing efforts to find alternatives to the use of PFAS in priority products such as textiles and converted leather products and food packaging through the Safer Consumer Products Program. The LTF will continue to follow these important developments.

## **PFAS Actions:**

1. Continue to support legislative and regulatory efforts to reduce use of PFAS in consumer products and other applications that may have a pathway to the environment via municipal solid waste management practices and, in coordination with national SWANA, support an exemption from CERCLA liability for municipal solid waste facilities.
2. Track – and comment, as appropriate – on regulatory efforts related to PFAS by state and federal agencies and monitor other developments.

## **Photovoltaic Modules**

**Issue:** The first generation of large electricity generating photovoltaic panels (solar panels) are reaching their end of useful life, meaning waste management solutions are needed. Large electricity generating solar panels are made of a variety of components, one of which is the photovoltaic cells themselves. These cells are typically of two types, film type and silica type, and it is difficult to tell the difference between the two types as well as which panels are classified as hazardous waste. The film type cells have tested in the hazardous range and may be considered a RCRA waste (hazardous waste classification) or California hazardous waste. Currently options to manage photovoltaic modules are limited even though the regulations have made management easier. Further, the only processing and recycling option for solar panels in the state, ECS Refining, went out of business in 2018. SB 489 (Monning) was signed into law in September 2015 and required the Department of Toxic Substances Control (DTSC) to designate solar panels, both RCRA (federal hazardous waste) and non-RCRA (California-only hazardous waste), as Universal Waste and develop regulations for the processing of these panels. DTSC received authority and promulgated regulations in 2020 that allowed photovoltaic modules to be managed as universal hazardous wastes. The LTF closely monitored the regulatory process and supported DTSC's adoption of the regulations; however, there is more to be done to develop and fund a convenient, safe, and environmentally and economically sound system for solar panel end-of-life management.

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During its 2023 Lobby Day, the LTF advocated for additional State support, including for improved labeling, standardized building codes, development of management standards, and funding for end of life management. The LTF's Fact Sheet on this topic is on the LTF website at <https://swanacal-leg.org/>.

During the first year of the 2023/24 Legislative Session, Assembly Member Ward introduced AB 2 and AB 1238 addressing various aspects of solar panel end-of-life management. AB 2 creates a hybrid funding and responsibility requirement for all electricity generating solar panels. Customer-Owned panels, as defined would be added to the existing e-Waste program run by CalRecycle. Non-Customer-Owned panels would be subject to a full extended product responsibility program funded and operated by the owners of systems, similar to traditional Extended Producer Responsibility (EPR) programs. AB 1238 creates Alternative Management Standards (AMS) that would allow for the treatment (processing) of solar panels at existing e-Waste processing facilities in California. Currently, only one e-Waste processing facility in California has the permit necessary to process all types of solar panels, under a full hazardous waste treatment permit. All other e-Waste processing facilities operating in California operate under a Universal Waste Treatment permit. The existing limitations for use of heat, chemical, or water treatment of universal waste in California are preventing most in-state processing of solar panels. AB 1238 would provide specific exemptions from those prohibitions for solar panels in particular.

AB 2 and AB 1238 are currently 2-year bills and will continue to be developed in 2024.

## **Photovoltaic Module Actions:**

1. Engage in the development of AB 2 (Ward) and AB 1238 (Ward).
2. Identify solutions for the management of solar panels, such as improvement in labeling to reduce need to test. Assess the scope and cost of problem and discuss these details with solar manufacturers.
3. Include in outreach efforts the LTF fact sheet and other information about the problems associated with solar panel end-of-life management.

## **Compressed Gas Cylinders**

**Issue:** The presence of compressed gas cylinders continues to plague solid waste operations, from collections to landfill or material recovery facilities, to HHW facilities, to illegal dumping. Only a small portion of the compressed gas cylinders sold into the California marketplace are recovered through proper collection programs.

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In 2022, SB 1256 (Wieckowski) which was passed by both houses of the legislature, but ultimately vetoed by the Governor, would have banned the sale of single-use 1-pound propane cylinders in California by January 1, 2028. This would have ultimately eliminated one of the single-use compressed gas products causing difficulty in the solid waste industry. The Governor asked that an EPR proposal be brought forth instead to solve this problem.

In 2023, SB 560 (Laird) was introduced to create a requirement for an EPR program for most single-use compressed gas cylinders. The program operators would be required to fund the collection, transportation, and proper recycling of a variety of compressed gas cylinders, including, but not limited to propane, butane, iso-butane, helium, and other gaseous products. SB 560 is now a 2-year bill.

## **Compressed Gas Cylinder Actions:**

1. Engage in the development of SB 560 (Laird).
2. Consider and recommend what type of compressed gas cylinders should be included in SB 560.

## **CRV / California Redemption Value**

**Issue:** California's California Redemption Value (CRV) program, known as the "Bottle Bill," is a \$0.05 or \$0.10 deposit charged on eligible beverage containers. Established in 1986 (AB 2020) and operated and administered by CalRecycle, the deposit system generates approximately \$1.3 billion collected by the state. Since not all containers are returned, CalRecycle uses some of the surplus funds to subsidize privately-owned and -operated redemption centers established in "convenience zones" located near beverage retailers. The CRV program has resulted in an average of 80% of qualified containers being recycled, however to remain fiscally stable, the program has required more than 60 legislative amendments.

In the past few years, the state's subsidy formula has become outdated resulting in underpayment to recycling centers, China's recycling policy changes have crippled the global market, scrap value of beverage containers material has plummeted, and operating costs have steadily risen. The cumulative effect of these factors has resulted in a critical reduction in operating revenue for the privately-operated redemption centers and led to the closure of approximately half of the 2,500 CRV convenience zone centers statewide. The CRV program also requires beverage retailers to provide deposit redemption services to customers or pay penalties. Some retailers have attempted to provide service but were unprepared for the volumes and complexity of the program, while other retailers have just

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chosen to pay the fines associated with non-compliance with the law. With convenience center closures, the surviving convenience centers have been overwhelmed with customers trying to redeem their deposits.

Recent legislation has expanded the program by adding container types to the program. In 2022, SB 1013 (Atkins) Beverage Container Recycling, expanded beverages included in the program to include wine and liquor starting in 2024. In 2023, SB 353 added large fruit and vegetable containers, also starting in 2024. These changes in the program continue to make the creation and operation of buy back centers more difficult for entities that wish to provide this service. The intent of the program is to increase the recycling of these containers through the use of such buy back centers but the State continues to place additional demands on the operators of these facilities without increasing the services and financial support necessary to maintain them. Adding new container types without adequate training and support to existing centers will further exacerbate the problem. Additional CRV agent resources are needed to maintain the program. Many requests for information or assistance result in significant delays before the agent is able to respond.

Training for new centers is required but the delay in approval of the center after training occurs can cause many smaller centers to forget the training points received prior to the start of operations. This is compounded by the 6-month waiting period for new centers to receive education on CRV. A closer more frequent contact program between agents and operators is needed if new centers are to be successfully opened and operated.

Additionally, the program currently limits the amount of material centers can accept from businesses. This limit places undue restraint on the operations and limits their overall effectiveness in providing the necessary recycling the program was intended to promote. Those limits should be reevaluated to allow fewer facilities to process more material.

## **CRV Actions:**

1. Support efforts to reform beverage container funding, such as adjustments to CRV and recycling-related payments. Oppose proposals to reduce current CRV funding to local governments.
2. Support legislation that provides sufficient baseline funding for centers to be open to the public and provide redemption services.
3. Support timely training to operators when changes to the program are enacted.
4. Identify and correspond to CalRecycle regarding operational and enforcement challenges surrounding program implementation.

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## Alternative Technologies / Advanced Recovery Technologies

**Issue:** Advanced Recovery Technologies (ART), commonly known as Conversion Technologies, refer to a wide array of state-of-the-art technologies capable of converting otherwise unrecyclable, post-recyclable or difficult to recycle materials separated from the solid waste stream to useful products, such as low carbon fuels and green renewable energy – in an environmentally beneficial manner. These technologies may be thermal, chemical, biological, mechanical or a combination of these processes – but do not include incineration (waste combustion). There are many terms used to label Advanced Recovery Technologies. ART will likely become an integral process in achieving zero-waste goals. These technologies not only create a beneficial product but also potentially reduce greenhouse gas emissions and other air pollutants. These reductions are achieved through disposal and transportation avoidance, and through fuel/electricity offsets.

SB 1383 provides a mechanism to promote appropriate technologies: CalRecycle may approve technologies that reduce the disposal of organic waste in landfills and achieve equal or greater GHG benefits than attained by composting technologies. ARTs that may be used to support SB 1383 include, but are not limited to:

- *Gasification:* Gasification is a commercially proven manufacturing process that converts hydrocarbons and biomass to a synthesis gas (syngas), which can be further processed to produce chemicals, fertilizers, liquid fuels, and hydrogen. Further, certain gasification methods can now convert waste plastics into building blocks for new plastic resins of the same material.
- *Pyrolysis:* Pyrolysis involves thermal decomposition of feedstock at high temperatures in the absence of air. The resulting product is a mixture of solids (char), liquids (oxygenated oils), and gases (methane, carbon monoxide, and carbon dioxide) that may be further processed in energy, fuels, or chemicals.
- *Hydrolysis/fermentation:* Known as waste-to-ethanol, this anaerobic biological process uses microorganisms to metabolize sugars and produce alcohols to produce such fuel liquids as ethanol and other chemicals.

### **Advanced Recycling Technologies provide a number of important benefits:**

- **reduce greenhouse gas emissions and other criteria pollutants;**
- **reduce dependence on landfilling and imported fossil fuels;**
- **enhance recycling efforts;**
- **enables recycling of wastes that have no other feasible recovery options; and**
- **meet and exceed California's strict environmental standards.**

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- *Autoclave/mechanical processing*: This technology subjects wastes to high temperature (usually with superheated steam) under high pressure for a length of time sufficient to kill all the bacteria and pathogens that might be in the waste. The process may involve several steps to remove plastics, metal, and glass if present. After preprocessing, the wastes are shredded and processed to produce an organic product for low carbon fuel / other uses.

The most direct path for such technologies to get approved by CalRecycle is to utilize a homogeneous feedstock for the type of technology selected as well as compliance with Article 2, Alternative Technology Determination, of the SB 1383 regulations. One potential downside is that even if approved under Article 2 regulations as a method to reduce waste disposal to land, the process may still be considered a type of "disposal" under another AB 939. This is due a discrepancy in the language between AB 939 and SB 1383. Efforts should be directed to addressing this inconsistency at some point in future.

Over the years, numerous bills have been introduced that would limit or prohibit the use of ARTs which would severely impact the ability of local governments' ability to make use of new, clean, non-incineration technologies. Many such bills are due to the confusion about the technology and that equate "transformation" with "incineration", such as with AB 1857 (Garcia) in 2022 for which the LTF developed a Fact Sheet (see LTF website) that urged for, among other things, more accurate legal definitions for transformation and incineration. Most recently, in 2023, AB 1705 was introduced that would prohibit the establishment or expansion of a transformation facility or engineered municipal solid waste (EMSW) conversion facility in the state until the Department of Resources Recycling and Recovery (CalRecycle) has determined the state has achieved its waste reduction and methane reduction goals for three consecutive years. The LTF opposed this bill, emphasizing the importance of local governments having a portfolio of options and recognizing that there will always be residuals that cannot feasibly be recycled, composted, or otherwise diverted or reduced, and that must be disposed. The LTF will continue to advocate for this important tool if AB 1705, currently a 2-year bill, moves through the Legislature in the second half of the session.

## **ART Actions:**

1. Support and advocate for legislation that removes barriers and provides incentives that help develop ART projects. Oppose legislation that would limit or prohibit the use of ARTs.
2. Advocate for legislation that would address the discrepancy in the language between AB 939 and SB 1383 so that ARTs would be considered diversion under both laws.
3. Support the development and use of ARTs, particularly to enhance the production of low carbon energy, fuels, and chemicals needed to achieve

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California's GHG reduction goals as well as electrification and zero waste goals.

4. Support a more accurate statutory definitions of "transformation" and "incineration". Continue to educate the legislature on this.
5. Continue to advocate for the 10% diversion credit for transformation.

## Electric Vehicle Batteries

**Issue:** As the state of California continues its commitment to on-road transport decarbonization and Electric Vehicles (EV) become more cost-competitive and attractive to consumers, the state will see an increasing flow of end-of-life (EOL) Lithium-Ion Batteries (LIB), and other chemistries, that require proper management. Even now, the California solid waste industry is seeing increased numbers of EV LIBs in the waste stream, but currently there is no legislation guiding the EOL management. This poses a serious problem in that such batteries may explode or catch fire if improperly handled. Mismanaged LIBs can cause significant damage to solid waste processing facilities.

Following passage of AB 2832 (2018), CalEPA convened a Lithium-Ion Car Battery Recycling Advisory Group which met quarterly between fall of 2019 and spring of 2022. Two policy proposals that define EOL management responsibility received majority support:

1. Core exchange with a vehicle backstop, and
2. Producer take-back.

However, these policies have yet to be formally enacted and, as recommended, would only complement, not replace, current warranty regulations and programs that require the vehicle manufacturer to properly reuse, repurpose, or recycle a removed EOL battery that is still under warranty nor address other EV chemistries. To ensure that the maximum amount of EOL batteries are reused, repurposed or recycled, the Advisory Group's recommended policies focus on two main areas:

1. Clearly defining responsibility for the coordination and payment of recycling in cases where the cost presents a burden for the owner of the vehicle and the EV Battery is unwanted and,
2. Mitigating barriers that may currently inhibit the reuse, repurposing, and recycling of EV batteries.

In 2023, SB 615 (Allen) was introduced to address EOL problems associated with all electric vehicle traction batteries. As last drafted, the bill proposed that when an electric vehicle traction battery reaches the end of its life and cannot be reused in another vehicle or repurposed, it shall be sent to a re-purposer, remanufacturer,

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recycler, or sorting facility to ensure proper disposal. Further, SB 615 states that any program designed to ensure proper end-of-life management of electric vehicle traction batteries first strives to reuse batteries when possible. When that is not possible, the program shall strive to repurpose or remanufacture the battery for a different application. When neither is possible, the program shall ensure the batteries are recycled. Disposal of these batteries should be discouraged and ultimately eliminated in support of achieving a circular economy. SB 615 is currently a 2-year bill.

At its 2023 Lobby Day, the LTF urged Legislators to support SB 615. The LTF's Fact Sheet on this topic is on the LTF website at <https://swanacal-leg.org/>.

## **EV Battery Actions:**

1. Track and support efforts such as SB 615 and work to address issues that still need to be resolved during the 2024 legislative session.

## **Heavy Duty Vehicle and Transportation Infrastructure**

**Issue:** State efforts to accelerate the electrification of vehicle fleets will have a significant impact on the solid waste and recycling industry which is heavily reliant upon on-road and off-road heavy-duty vehicles to both operate its facilities and effectively transport municipal solid waste and recycled products. In response to regulatory mandates, the industry has largely transitioned from diesel fueled vehicles to cleaner fuels, such as Natural Gas and Renewable Natural Gas. It is estimated to have invested more than \$1 billion in California to develop and use low carbon renewable natural gas in refuse and recycling vehicles. Renewable natural gas has the lowest carbon intensity of all available transportation fuels. However, a series of Governor Executive Orders by former Governor Brown and current Governor Newsom have called for accelerating the electrification of the vehicle fleets to meet climate goals; the latest being electrification to support meeting carbon neutrality goals no later than 2045. In 2023, the California Air Resources Board (CARB) Board also voted to approve a comprehensive Advanced Clean Fleets (ACF) regulation (awaiting final OAL approval) that will be part of a broader strategy to deploy medium- and heavy-duty zero-emission vehicles (ZEV) everywhere feasible. The cost to the solid waste and recycling industry will be enormous. Other issues include reliability of electric fleets, the loss of investments made to transition the current fleet to clean renewable natural gas, and the industry's ability to effectively deliver its essential public services. Grants now emphasize electrification with regulations focused almost exclusively on zero emission vehicles and electrification instead of promoting the lowest carbon fuels that are available.

During its 2023 Lobby Day, the LTF expressed these concerns to Legislators and urged support for essential public fleets, including those that are fueled by clean



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RNG, consistent with past industry practices and regulatory mandates, such as SB 1383. The LTF's Fact Sheet on this topic is on the LTF website at <https://swanacal-leg.org/>. The LTF also submitted written and verbal comments during the ACF regulatory process. Despite CARB directing staff to work with waste hauler and wastewater fleets that are diverting and processing organic waste to fuel existing trucks to meet the requirements of SB 1383 to provide more time to transition to a zero-emission fleet, the final ACF regulation was approved with little relief to these fleets.

The ACF provides for three different compliance pathways depending upon the size and composition of entities' existing fleets. Essentially, two pathways require new vehicle purchases to be either ZEVs or NZEVs, while the third allows more fleet flexibility but requires fleets to phase in ZEVs into their fleets, by percentage up to 100%, in a defined time period depending upon fleet composition. In this option biomethane-fueled trucks, purchased before 1/1/24, are allowed more time before a transition to a ZEV is required. The overarching element in the first two compliance pathways is the 2017 SB 1 pathway, which provided internal combustion trucks at least 18 years or 800,000 miles of operation before it could be forced to retire. Thus, in the ACF, for these options, CARB cannot force retirement of these "legacy" vehicles. So, full transition to 100% ZEVs in a fleet depends upon the composition of the legacy vehicles. The LTF will continue to follow challenges related to implementation of the ACF and advocate for essential public fleets.

## Actions:

1. Work with our industry partners, and CARB staff, on implementation of the ACF regulation, to track problems while also determining difficulties this new regulation may be causing in SB 1383 implementation.
2. Continue to promote the lowest carbon and most sustainable transportation fueling options that are consistent with all the goals of CARB's climate programs.

## CARB's 2022 Scoping Plan Update

**Issue:** CARB completed the process of updating its climate Scoping Plan at its December 2022 hearing and the solid waste industry will continue to be impacted by the Plan's methane reduction strategies. As background, in 2006, the California Legislature passed the California Global Warming Solutions Act of 2006 [Assembly Bill 32 ([AB 32](#))], which created a comprehensive, multi-year program to reduce greenhouse gas (GHG) emissions in California. AB 32 required the CARB to develop a Scoping Plan that describes the approach California will take to reduce GHGs to achieve the goal of reducing emissions to 1990 levels by 2020.

# 2024 WORK PLAN

The Scoping Plan was first approved by the Board in 2008 and must be updated at least every five years. The 2022 Scoping Plan Update will assess progress towards achieving the Senate Bill 32 targets as well as new goals to achieve carbon neutrality by 2045. Key outcomes of the process include:

- Reduce fossil fuel consumption (liquid petroleum) to less than one-tenth of what we use today – a 94% reduction in demand.
- Cut greenhouse gas emissions by 85% below 1990 levels.
- Reduce smog-forming air pollution by 71%.

The solid waste and recycling industry sector have always been a target in the Scoping Plans because of methane emissions from landfill operations (Short-lived Climate Pollutants) and the extensive use of medium- and heavy-duty, on- and off-road vehicles, a key component of carbon emissions. The industry sector will be heavily impacted by the 2022 update due to the push to electrify the transportation sector, especially now that the Advanced Clean Fleets Regulation has been approved by the CARB Board, and the continued focus on reducing methane emissions from landfills. The LTF provided comments on the draft scoping plan in the Spring 2022. A key conclusion of the comments was that the solid waste sector can play a vital role in the State of California's plan to achieve carbon neutrality by 2045. However, many barriers exist to implementing the strategies needed to achieve the methane reductions in the Scoping Plan. In addition to the regulatory barriers, funding is needed for new organic waste management and bioenergy projects.

## Actions:

1. The LTF will work with industry partners and CARB to advocate that the proposed transition to carbon neutrality allow the solid waste sector to be consistent with all the objectives of the climate plans without severe economic impact and disruption of our municipal solid waste essential public services.

## Market Development

**Issue:** The solid waste sector collects, transports, disposes, and processes waste materials generated within the state. Significant capital investments have been made in the industry to divert recyclable materials and organic waste from the landfill and reintroduce them into the market for reuse. Additional solid waste policies are needed at the federal, state, and local level to: 1) reduce the amount of waste generated by all sectors of society, 2) ensure that the greatest proportion as possible of waste materials generated can be reused, recycled, or composted, and 3) promote markets for the recyclable materials and

# 2024 WORK PLAN

compost. With the 2018 China National Sword/Blue Sky policy, the need for local markets and “closed loop” products, was highlighted. This continues to be a challenge for the solid waste industry.

The State has adopted numerous laws, regulations, and policies to recycle more waste. But recycling can only succeed if there is a market for the recycled materials and products. With SB 1383, increased organic waste processing will result in the generation of significant amounts of compost material and renewable natural gas (known as RNG or biogas). Local markets for compost are already challenging. The agricultural industry usually has very exacting specifications for soil amendments, and many farmers want a compost product approved for use on certified organic farms, resulting in limited markets for lower-grade compost products. Additionally, hauling compost for long distances renders said material too costly for potential end users. Local markets for an increasingly abundant product must be promoted, for example with policies for use of these materials on State lands, and with local land use policies. Further, as described above, there is a need to integrate climate, solid waste and energy policies to ensure there is a continued market for RNG derived from diverted organic waste (and other organic waste-derived RNG such as wastewater biogas).

When there is no or limited markets for composted or recyclable materials, local governments are unable to comply with waste diversion and procurement mandates. There is a crucial need for local markets, resources to support necessary diversion infrastructure, new technologies to recover energy, fuels and chemicals, and support for producer responsibility. The LTF will continue to advocate for State and Legislature to provide funding and legislative support to develop markets.

## **Actions:**

1. Support and encourage State efforts to promote local markets for the procurement and utilization of recyclable materials and compost, including compost derived from organic waste.
2. Support legislation such as SB 54 to reduce the production of non-recyclable or non-marketable waste materials.
3. Engage with CalRecycle, the Legislature and other stakeholders to provide recommendations as appropriate to future regulatory developments.

# 2024 WORK PLAN

## Agency Monitoring

Not all LTF work entails legislative activities. State agencies develop regulations in response to legislation, and existing programs are often modified, which can impact the solid waste industry and local government. The following are some agency activities the LTF will be monitoring in 2024:

## CalRecycle

- **SB 54** - Monitor and comment, as appropriate, on SB 54 regulatory developments and implementation. This bill creates an extended producer responsibility program for single use plastic and packaging. CalRecycle held numerous workshops in 2023 and is currently drafting regulations, researching packaging waste types, developing a covered material category list, and conducting a needs assessment. Additionally, CalRecycle's director appointed an advisory board to identify barriers and solutions to creating a circular economy and advise the producer responsibility organizations, producers, and the department in implementing this new law. A member of the LTF is on the advisory board.
- **AB 1201** – Monitor CalRecycle's implementation of AB 1201 (2021) which established criteria for labeling a product as "compostable". Specifically, Section 42357(g)(1)(B) requires CalRecycle, on or before January 1, 2024, through a public process, to determine whether it would be feasible to separate the collection of products that are not acceptable compost feedstocks (under the USDA National Organic Program) from collection of acceptable compost feedstocks – essentially, dual stream organic collection. If determined feasible, CalRecycle must adopt regulations by 2026 "establishing a bifurcated approach". CalRecycle held a public workshop on this topic on November 1 and posted a discussion paper and the LTF submitted comments. This also could tie into SB 54 regulations, which will require agencies to collect and recover packaging products that CalRecycle deems compostable or recyclable.
- **RDRS Regulation.** Monitor the development of CalRecycle's regulations to implement new Recycling and Disposal Reporting System (RDRS) requirements added by Senate Bill (SB) 343 (Allen, Chapter 507, Statutes of 2021) and Assembly Bill (AB) 881 (Gonzalez, Chapter 501, Statutes of 2021). SB 343 regulates recyclability claims of products and packaging sold in the state, and it requires RDRS to collect new data related to material recyclability. AB 881 classifies exported mixed plastic waste as disposal, and it requires RDRS to gather jurisdiction of origin for these exported materials. In November 2023, CalRecycle completed a final 15-day comment period.

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- **SB 1383/AB 341/AB 1826.** Monitor and comment, as appropriate, on CalRecycle implementation and enforcement of these bills.
- **AB 2440** The Responsible Battery Recycling Act (2022) requires producers, either individually or through the creation of one or more stewardship organizations, to establish a stewardship program for collection and recycling of covered batteries. CalRecycle is tasked with developing regulations by 2025 and held an informational session in October 2023.
- **SB 1215** (2022) amends the Electronic Waste Recycling Act and adds covered battery-embedded products to the CEW Recycling Program. A product covered in this program contains a battery that is not designed to be easily removed by the user with no more than commonly used household tools. CalRecycle will develop regulations by 2025.

## CARB

- **Advanced Clean Fleets.** Monitor the implementation of the ACF regulation to ensure its complex requirements are properly applied to solid waste fleets, both public and private, and that CARB's staff provides adequate support for the regulation's critical administrative requirements.
- **Scoping Plan.** Track and comment, as necessary, on regulatory activities that impact facilities and jurisdictions such as the Landfill Methane Regulation (LMR).
- **Other Off and On-road Vehicle Regulations.** Track and comment as necessary.

## DTSC

- **Hazardous Waste Management Plan.** Pursuant to SB 158 (2021) Department of Toxic Substances Control (DTSC) was required to adopt a state-wide Hazardous Waste Management Plan for management of hazardous waste. The plan will be presented to the Board of Environmental Safety. Prior to the Plan development, DTSC prepared a report that establishes a baseline understanding of the management of hazardous waste in the State of California, identify data gaps and items that require additional research, review hazardous waste criteria, determine whether additional wastes should be managed as hazardous wastes, and develop plans to fill data gaps and complete additional research. DTSC conducted a series of workshops in 2022 and 2023 to gather information and input. The final report was released in November 2023 and the first Hazardous Waste Management Plan is due March 1, 2025.

# 2024 WORK PLAN

## Outreach and Education

The LTF positions on legislation are important, but ongoing engagement with stakeholders, regulators, and legislators, as well as dissemination of LTF positions, fact sheets and white papers is also vital. The LTF will seek, in 2024, to:

- Maintain an active advocacy presence in the Legislature and at state agencies that oversee the management, recycling, and disposal of municipal solid waste, household hazardous waste, and pertinent special wastes, through involvement in the legislative and regulatory processes.
- Continue to advocate for EPR Legislation that reduces the generation of non-recyclable and difficult to manage products and shifts the burden away from jurisdictions to manage such materials.
- Develop outreach and education fact sheets, white papers and other material for dissemination to SWANA members, stakeholders and legislators.
- Develop relationships with key members of the Legislature and their staff, and with the appropriate staff in the Governor's office and at CalRecycle, DTSC, CARB, SWRCB, and other agencies as appropriate.
- Engage with other solid waste organizations (such as CRRRA, SWIG), local government organizations (such as CSAC, Cal Cities, and RCRC), and NGO's (such as NSAC, CAW, and CPSC).
- Coordinate advocacy efforts with other local government groups, particularly for issues impacting local authority, governance, and discretion.
- Support SWANA International in advocacy and policy areas that apply to California, such as product stewardship policy, disposal bans, and applied research on emerging technologies.
- Further enhance education and awareness of key legislation and regulations to SWANA membership through communications such as meeting minutes, newsletters, fact sheets, targeted communications such as the annual legislative platform, and discussions at Chapter meetings.
- Improve and enhance the convenience and effectiveness of the LTF website and other social media platforms to better serve and inform SWANA members of LTF activities. Ensure mobile compatibility of the website.
- Encourage chapter presidents to appoint young professionals to the LTF, either as voting or non-voting members. The goal is involvement, training, and preparation for future leadership.

# LTF PRINCIPLES AND GOALS

## LTF Advocacy Goal

Advocate, through active participation in the development and review process, that proposed laws and regulations protect health, safety, and the environment, and are economically and technically feasible.

## LTF Principles

The basis for establishing LTF's policy positions on legislation and regulation is based on the following principles:

- **Local Authority.** Support local government control of solid waste policy, operations, and program implementation. Oppose state regulations and legislation that undermine or preempt local authority or discretion. Promote legislation that provides opportunities for local government stakeholder participation in regulatory and policy matters.
- **State Funding:** Support State funding for mandated activities; oppose new mandates that do not contain a funding source. Continue to support distribution of Greenhouse Gas Reduction Fund Revenues, such as AB 32 Cap and Trade Program auction proceeds to waste to energy projects, organics infrastructure, and other projects at landfills that reduce emissions consistent with the goals of AB 32. Specifically support a reasonable allocation of GGRF dollars, commensurate with state-imposed mandates and regulations on solid waste facilities.
- **Circular Economy:** Support programs that advance a circular economy. In linear economic systems, materials are mined, products manufactured, then disposed at end of life. A circular economic system instead uses waste materials to create new material feedstocks, which can then be turned into products with less pollution and waste. Many actions further a circular economy: repairability/reuse; improved design to reduce product packaging, content, and toxicity; and EPR (Extended Producer Responsibility). EPR places responsibility for life-cycle product management on producers. Products stewardship programs in CA include both Producer Responsibility (such as pharmaceuticals and sharps, packaging, and batteries) and Consumer Responsibility (where consumers pay a visible recycling fee) for materials such as paint, carpet, mattresses, tires, and E-waste. The LTF monitors these programs and encourages the establishment of additional stewardship programs.
- **CalRecycle Review of IWMPs and SB 1383.** Advocate for transparency, consistency, and consideration of reasonable and realistic "best efforts" in CalRecycle's review of Integrated Waste Management Plan and Annual Reports, including SB 1383.

# LTF PRINCIPLES AND GOALS

- **Due Process:** Support regulatory frameworks that provide the regulated community with independent due process in State agency enforcement proceedings.
- **Extended Producer Responsibility (EPR):** Support product stewardship legislation, such as EPR, which shifts the financial burden of managing hazardous and difficult-to-handle products from local government to the producers of those products. Only support landfill bans when an appropriately funded alternative method of handling the material (e.g. EPR) has been put in place. Oppose landfill bans that are not substantiated by scientific studies showing that landfilling the material poses a danger to human or environmental health.
- **Organics Management:** Support cost-effective organics management programs and infrastructure that best fits each jurisdiction's demographics, waste characteristics, and facility availability. Support legislation that enhances biomass capacity, as well as Alternative Recovery Technologies, in California and improves the economic viability of those operations.
- **Recyclables Market Development:** Support the development of domestic markets for recycled materials, including organics; and support increased recycled content requirements for specific products.
- **Emerging and Advanced Recovery Technology:** Support ART and advocate for legislation that removes barriers and provides incentives that help develop ART projects. Oppose legislation that would limit or prohibit the use of ARTs .
- **Worker Safety:** Support worker safety in the solid waste industry.
- **Stakeholders:** Foster opportunities for meaningful stakeholder input in the development of platforms, policies, laws and regulations.
- **Regulatory Clean-up:** Support streamlining of redundant and overlapping regulations and oppose underground regulations.
- **Good Faith Effort:** Support legislation that would recognize a jurisdiction's "good faith effort" toward compliance with legislative and regulatory mandates and consider factors and barriers beyond jurisdiction control, such as lack of markets, funding, and other challenges.

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# LTF OFFICERS & MEMBERSHIP

## LTF Officers and Membership

The following LTF officers and members were honored to serve the SWANA California Chapters in 2023 and contribute to this report:

### **Nominated Officers**

Christina Hanson, Placer County/WPWMA, Chair  
Herb Cantu, City of Santa Maria, Vice Chair

### **Appointed Officers**

Hans Kernkamp, Riverside County, Treasurer  
Curtis Larkin, Fresno County, Secretary

### **Membership**

#### *GOLD RUSH CHAPTER:*

Doug Kobold, California Product Stewardship Council  
Christina Hanson, Placer County/Western Placer Waste Management Authority  
Larry Sweetser, Sweetser & Associates, Inc.  
Charles White, Manatt, Phelps, & Phillips, LLC  
Joe La Mariana, South Bayside Waste Management Authority  
Guy Petraborg, Monterey Regional Waste Management District (Alternate)  
Deepti Jain, City of Sunnyvale (Alternate)

#### *SIERRA CHAPTER:*

Curtis Larkin, Fresno County  
Herb Cantu, City of Santa Maria  
Chuck Magee, Kern County  
Parveen Sandhu, Kings Waste and Recycling Authority  
Lynnda Martin, American Refuse/Tule Trash Co  
Dawyne Balch, City of Clovis (Alternate)  
Monique Gamma, City of Merced (Alternate)

#### *FOUNDING CHAPTER:*

Hans Kernkamp, Riverside County  
Jim Marchese, City of Los Angeles, Sanitation and Environment  
Sharon Green, Los Angeles County Sanitation Districts  
Mike Mohajer, P.E., So. California Waste Management Forum  
Jane-Marie Fajardo, City of San Diego  
Constance Hornig, Esq., Law Offices (Alternate)  
Frank Caponi, P.E., Retired (Alternate)