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LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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June 13, 2016

The Honorable Bob Wieckowski, Chair
Senate Environmental Quality Committee
State Capitol Room 2205
Sacramento, CA 95814

Dear Senator Wieckowski:

**ASSEMBLY BILL 1103 (AMENDED JUNE 06, 2016)
SOLID WASTE DISPOSAL: SELF-HAULERS**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) respectfully **opposes** Assembly Bill 1103 (AB 1103), as amended June 06, 2016. If enacted, AB 1103 would require “self-haulers” of recyclables, compost or food waste to submit periodic information to CalRecycle on the types, quantities, and destinations of materials that are disposed of, sold, or transferred. In addition, AB 1103 would require CalRecycle to adopt regulations that define “self-hauler.”

The Task Force commends the State’s efforts to establish a thorough and accurate tracking system for solid waste, as well as recyclable and compostable materials, from the point of origin to their final destination. However, the Task Force has serious concerns with AB 1103, as currently drafted, for reasons outlined below:

- Section 41821.5, subparagraph (b) (2) is extremely ambiguous, which would lend itself to numerous and divergent interpretations. This subparagraph states:

“(2) Exporters, brokers, **self-haulers**, and transporters of recyclables or compost shall submit **periodic information** to the department **on the types, quantities, and destinations of materials** that are **disposed of, sold, or transferred**. The department shall develop regulations implementing this section **that define ‘self-hauler’** to include, **at a minimum**, a person or entity that generates and transports, utilizing its own employees and equipment, more than one cubic yard per week of its own **food waste** to a location or facility that is not owned and operated by that person or entity.” (Emphasis added)

In the first sentence, “self-haulers” would be required to submit “**periodic information**” to CalRecycle “on **the types, quantities, and destinations of materials** that are **disposed of, sold, or transferred**”. The term “materials” in this context presumably would apply to residual solid waste, as well as recyclable and compostable materials. A great number of self-haulers, as the term is generally understood, do not generate their own waste, and those who do generally do not “sell, dispose, or transfer” the waste (e.g., a gardener, handyman, or roofer). It is not clear why self-haulers (a term that is not well defined in the bill) would need to submit “**periodic information**” to CalRecycle “on **the types, quantities, and destinations of materials** that are **disposed of, sold, or transferred**”.

The second sentence appears inconsistent and contradictory with the first sentence. Here CalRecycle would now be required to define “**self-hauler**” to include, “**at a minimum**... a person or entity that generates and transports ...its own **food waste**...” Is the intent to have two separate definitions of “self-hauler”, one for *food waste* and one for *all materials*? If that is the case, the current language should be revised and clarified to avoid major confusion.

Additionally, it is not clear whether the expression “**at a minimum**” applies to “*more than one cubic yard per week*,” or to “the person or entity that utilizes *its own employees and equipment*,” or to “*food waste*,” or to “*a location or facility that is not owned and operated by that person*”. The text should be revised and clarified.

- AB 1103, as currently drafted, shifts the responsibility and accountability for precisely defining the term “self-hauler” (the type of persons or entities that would be impacted by this legislation) from the State Legislature to a State agency that is not accountable to the electorate. How are individuals, entities, and other stakeholders to assess the cost and other impacts of this bill upon them and others whose interests they represent without knowing who is going to “foot the bill”? The bill should be amended to precisely define “self-hauler”, which would allow stakeholders to assess the impacts of this legislation before it is enacted.

The previous iteration of the bill prohibited self-hauling by defining a person, other than the solid waste enterprise duly authorized by a local jurisdiction, subject to penalties and damages, from collecting, removing, or transporting solid waste generated on residential, commercial, or industrial premises, located within that jurisdiction. The Task Force is concerned that this may still be a possibility, given the bill’s failure to clearly define “self-hauler” (those who would be impacted by the legislation) and giving a State agency unrestricted freedom to define the term through regulation (a blank check). This potential prohibition of self-hauling would be regulatory overreach in a matter more appropriately left to private individuals and entities to choose whether or not to manage their own waste.

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In addition, the bill should define an “end user” with respect to reporting of recyclable and compostable materials. The Task Force is particularly concerned with materials being shipped to “end users” outside the state of California or the United States, and the difficulty it would pose to self-haulers and all waste haulers who would be required to report that information, or face substantial penalties under the law for failure to comply. The said requirements appear to be best suited to exporters and brokers.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated and cost-effective and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

Therefore, the Task Force respectfully **opposes AB 1103**, as amended. If you have any questions, please contact Mr. Mike Mohajer, a member of the Task Force at MikeMohajer@yahoo.com or (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste management Task Force and
Council Member, City of Rosemead

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cc: Assembly Member Bill Dodd
Each Member of the Senate Environmental Quality Committee
Senate Environmental Quality Committee Consultants (Rachel Wagoner &
Rebecca Newhouse)
Each Member of the Los Angeles County Board of Supervisors
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
San Fernando Valley Council of Governments

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Gateway Cities Council of Governments

Westside Cities Council of Governments

California Product Stewardship Council

Each City Mayor and City Manager in the County of Los Angeles

Each City Recycling Coordinator in Los Angeles County

Each Member of the Los Angeles County Integrated Waste Management Task Force