



LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyiswmtf.org

DONALD L. WOLFE
CHAIRMAN

October 25, 2007

«NAME»
«ADDRESS»
«CITY_STATE_ZIP_CODE»

Dear Mayor «SALUTATION»:

**SENATE BILL 1020 (PROPOSED SEPTEMBER 6, 2007 AMENDMENTS)
STATEWIDE MANDATORY WASTE DIVERSION RATE INCREASE TO 75 PERCENT**

The Los Angeles Integrated Waste Management Task Force (Task Force) strongly urges you to **oppose** Senate Bill 1020 and its proposed September 6, 2007, amendments (copy enclosed), which would call for an increase in the waste diversion mandate imposed on local governments from 50 percent to 75 percent effective January 1, 2020. SB 1020 (Padilla), if enacted, would impose mandates on local governments to force the adoption of commercial recycling ordinances and the inspection/monitoring of businesses for recycling compliance. Local governments across the State have invested untold millions of dollars in the current recycling infrastructure, the development and implementation of waste reduction programs, and the mathematical accounting and documentation required to meet the current 50 percent mandate.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (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 its 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, 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, the County of Los Angeles Board of Supervisors, the City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

«NAME»

October 25, 2007

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Enclosed is a copy of our letter to Senator Padilla as well as a sample letter for your use. We ask that you take the opportunity to draft a similar letter in order to express to Senator Padilla the gravity of such legislation and your concerns. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (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

VJ/CS:cw

P:\Sec\SB1020_Ltr to Cities (3)

Enc.

cc: Each City Manager in Los Angeles County
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task Force

DATE

The Honorable Alex Padilla
State Capitol Room 4032
Sacramento, CA 94249-12345

Dear Senator Padilla:

**SENATE BILL 1020 (PROPOSED SEPTEMBER 6, 2007 AMENDMENT)
STATEWIDE MANDATORY WASTE DIVERSION RATE INCREASE TO 75 PERCENT**

The City of _____ opposes Senate Bill 1020 (SB 1020) and its proposed September 6, 2007 amendment (copy enclosed), which among other things, proposes to increase the waste diversion mandate imposed on local governments from 50 percent to 75 percent effective January 1, 2020, without providing the necessary financial and technical resources to achieve this mandate.

Local governments across the State have invested millions of dollars into the current recycling infrastructure, the development and implementation of waste reduction programs, and the mathematical accounting and documentation required to meet the current 50 percent mandate. Subsequent diversion increases will require major investment in new programs and more significant changes to the solid waste management system in California, including changes to the mathematically oriented Diversion Rate Measurement System.

For meaningful waste reduction to occur, jurisdictions must have the resources to meet these new challenges, including assistance from the State, more comprehensive efforts to develop local recycling markets in California, new alternatives for managing residual solid waste, such as conversion technologies, and producer/manufacturer responsibility measures. SB 1020 should also incorporate a model of *shared responsibility* for achieving waste diversion, which includes state agencies and school districts, businesses, manufacturers and distributors, and the general public.

The City of _____ shares the goal of reducing waste generation and disposal. However, to be successful, we urge you to first partner and work with local governments in development of appropriate means to address the issues/concerns listed above. We are looking forward to our partnership and working relationship. If you have any questions, please contact _____.

Sincerely,

Mayor, City of _____

cc: Governor Arnold Schwarzenegger
Senate President Pro-Tem, Don Perata
Senator Patricia Wiggins
Speaker of the Assembly, Fabian Núñez
Each Member of the Assembly Appropriation Committee
Each Member of the Los Angeles County State Legislative Delegation
Each Member of the County of Los Angeles Board of Supervisors
League of California Cities
Los Angeles County Integrated Waste Management Task Force

AMENDMENTS TO SENATE BILL NO. 1020
AS AMENDED IN ASSEMBLY JUNE 26, 2007

Amendment 1

In line 1 of the title, after "add" insert:

Sections 40103, 40113, 41783.4, 41783.5, 41783.6, and 42649 to, and to add

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 40103 is added to the Public Resources Code, to read:
40103. "Anaerobic digestion" means the production of methane fuel or chemical feedstock from the bacterial breakdown of biodegradable organic and biomass derived material from urban waste, agricultural residues, and forestry sources. The process involves the natural biodegradation of organic materials in the absence of oxygen to produce methane and carbon dioxide in an engineered and controlled environment. Anaerobic Digestion is not a form of transformation as that term is defined pursuant to Section 40201.

SEC. 2. Section 40113 is added to the Public Resources Code, to read:
40113. "Lignocellulosic ethanol processing" means the production of ethanol fuel or chemical feedstock from lignocellulose, a structural material comprised primarily from cellulose, hemilose and lignin, contained in organic and biomass-residue-streams found in urban waste, agricultural residues, organic materials, and forestry sources. The process involves in-vessel enzymatic or chemical hydrolysis of cellulose to produce free sugars, which in turn are biologically fermented to produce ethanol in an engineered and controlled environment. Lignocellulosic ethanol processing is not a form of transformation as that term is defined pursuant to Section 40201.

SEC. 3. Article 4 (commencing with Section 40520) is added to Chapter 3 of Part 1 of Division 30 of the Public Resources Code, to read:

Article 4. Statewide Recycling

40520. The Legislature finds and declares all of the following:

(a) Since the enactment of this division, local governments and private industry have worked jointly to create an extensive material collection and recycling infrastructure and have implemented effective programs to achieve a statewide diversion rate above 50 percent.

(b) Although the state now leads the nation in waste reduction and recycling, the state continues to dispose of more than 40 million tons of waste each year, which is more than the national average on a per capita basis. Additional efforts must be undertaken to divert more solid waste from disposal in order to conserve scarce natural resources.

(c) Solid waste diversion and disposal reduction requires the availability of adequate waste processing and composting capacity. Existing capacity represents a



valuable asset that must be sustained and expanded to provide the additional processing infrastructure necessary to meet the needs of a growing population.

(d) To meet the objectives of the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), there is an urgent need to reduce greenhouse gas emissions from all aspects of solid waste handling through increased source reduction, reuse, recycling, composting, and those new emerging technologies that the California Integrated Waste Management Board and the Legislature determine to be appropriate in meeting California's environmental and greenhouse gas reduction goals.

(e) The siting of solid waste processing and composting facilities would benefit from life-cycle and multimedia analyses that identify both environmental impacts and the benefits of proposed projects. It is a primary purpose of this legislation to encourage the development of the additional waste processing and composting capacity that is needed to meet state objectives for decreasing disposal by identifying incentives for local governments to locate and approve facilities that meet and exceed their capacity needs.

(f) It is the intent of the Legislature that the board:

(1) Work with stakeholders to refine a disposal reduction measurement system in order to reduce administrative burdens on the board and local governments and to provide an improved measurement system for accurately determining the state's progress in reducing disposal.

(2) Work with stakeholders to develop a mechanism for recognizing local agencies that make significant contributions to the state's overall waste reduction and recycling objectives through the siting of facilities for the processing, recycling, and composting of materials diverted from the solid waste stream.

(3) Continue to encourage all commercial generators to work with their service providers to increase recycling and discourage illegal scavenging.

(4) Develop state disposal-reduction requirements that cap disposal at 2006 levels until 2012, and then reduce disposal from 2006 levels so that by 2013 the state's disposal is 25 percent lower (equivalent to 60 plus percent) and by 2020 the state's disposal is 50 percent lower (equivalent to 75 percent) than 2006 disposal levels.

(g) The provision in existing law that confers broad discretion on local agencies to determine aspects of solid waste handling that are of local concern has significantly contributed to the statewide diversion rate exceeding 50 percent, and further progress toward decreasing disposal requires that this essential element of local control be preserved. By setting new statewide disposal reduction requirements in Section 40522, the Legislature does not intend to limit the rights afforded to local governments pursuant to Section 40059, nor does it intend to modify or abrogate in any manner the rights of either party to any solid waste handling franchise or contract previously granted.

(h) The state is dedicated to the wise use of public funds and the conservation of natural resources. In order to lead the way for local governments, private industry, and California's citizens, state agencies shall achieve the waste reduction, recycling, and composting requirements at least three years in advance of the dates set forth in Section 40522.

40522. (a) At least 60 percent of all solid waste generated in this state shall be source reduced, recycled, or composted by December 31, 2012.

(b) It is the objective of the state to ensure that adequate capacity is available so that at least 75 percent of all solid waste generated in this state shall be source reduced, recycled, or composted by January 1, 2020, and thereafter.

SEC. 4. Section 41783.4 is added to the Public Resources Code, to read:

41783.4. For any city, county, or regional agency source reduction and recycling element updated and submitted to the board after January 1, 2008, the 50 percent diversion requirement specified in paragraph (2) of subdivision (a) of Section 41780 may include anaerobic digestion, as defined in Section 40103. Anaerobic digestion shall not be considered disposal under a future disposal based compliance system.

SEC. 5. Section 41783.5 is added to the Public Resources Code, to read:

41783.5. (a) For any city, county, or regional agency source reduction and recycling element updated and submitted to the board after January 1, 2008, the 50 percent diversion requirement specified in paragraph (2) of subdivision (a) of Section 41780 may include lignocellulosic ethanol processing, as defined in Section 40113, if the board finds both of the following:

(1) The lignocellulosic ethanol processing facility will advance the demonstration of commercially viable bioenergy processing technologies to produce renewable transportation fuels or other renewable value-added products consistent with California's greenhouse gas reduction targets and the July 2006 Bioenergy Action Plan for California.

(2) The organic feedstock for any lignocellulosic ethanol processing facility is derived from one or more of the following waste materials:

(A) Material that was previously used as noncomposted mulch.

(B) Material that was previously disposed or used for beneficial reuse at a solid waste landfill, including the use as alternative daily cover, which constituted diversion through recycling pursuant to Section 41781.3.

(C) Material that is approved for this use by the board.

(b) Lignocellulosic ethanol processing that complies with this section shall not be considered disposal under a future disposal based compliance system.

SEC. 6. Section 41783.6 is added to the Public Resources Code, to read:

41783.6. For purposes of meeting the statewide requirements set forth in Section 40522, the board shall include anaerobic digestion, as defined in Section 40103, and lignocellulosic ethanol processing, as defined in Section 40113, if the lignocellulosic ethanol processing projects meet the requirements of Section 41783.5.

SEC. 7. Section 42649 is added to the Public Resources Code, to read:

42649. (a) On or before January 1, 2010, the owner or operator of a business that contracts for solid waste services or generates more than four cubic yards of total solid waste and recyclables per week, and is located in a county with a population of 200,000 or more shall implement a recycling program in accordance with a recycling ordinance lawfully adopted by a city, county, city and county, regional agency, or solid waste authority, or other joint powers authority.

(b) Commercial recycling ordinances adopted pursuant to this section shall include, at a minimum, all of the following:

(1) Enforceable requirements to source separate specified recyclable materials from solid waste.

(2) Enforceable requirements requiring commercial generators to subscribe to a basic level of recycling service that includes, at a minimum, the collection of recycling materials or specific provisions for authorized self-hauling.

(3) Education, implementation, and enforcement provisions.

(c) On or before July 1, 2008, the board shall make one or more model commercial recycling ordinances available to local agencies to facilitate compliance with this section.

(d) On or before July 1, 2009, each city, county, city and county, solid waste authority, or other joint powers agency located within counties with a population of 200,000 or more shall have an adopted commercial recycling ordinance that is consistent with this section.

(e) For the purposes of this section, "business" means a commercial entity operated by a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized for profit or nonprofit. "Business" does not include multifamily dwelling units.

(f) This section does not apply to owners or operators of businesses that meet one or more of the following criteria:

(1) Meet specific exemption criteria or criteria contained in a local commercial recycling ordinance for an alternative type of recycling service due to space constraints for recycling containers.

(2) Are subject to a locally adopted commercial recycling ordinance that is equivalent to or more stringent than the requirements prescribed by this section.

(g) Nothing in this section is intended to limit the authority of local agencies to adopt, implement, or enforce local commercial recycling ordinances that are more stringent or comprehensive than the requirements of this section or limit the authority of local agencies in counties with a population of less than 200,000 to require commercial recycling.

(h) Nothing in this section modifies or abrogates in any manner either of the following:

(1) Any franchise previously granted or extended by any county or other local government agency.

(2) Any contract, license, or permit to collect solid waste previously granted or extended by a city, county, city or county, or other local government agency.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Amendment 3

On page 2, strike out lines 1 to 19, inclusive, and strike out pages 3 to 6, inclusive



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The Honorable Alex Padilla
State Capitol Room 4032
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Dear Senator Padilla:

**SENATE BILL 1020 (PROPOSED SEPTEMBER 6, 2007 AMENDMENTS)
STATEWIDE MANDATORY WASTE DIVERSION RATE INCREASE TO 75 PERCENT**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) continues to oppose Senate Bill 1020 (SB 1020), which among other things, proposes to increase the waste diversion mandate imposed on local governments from 50 percent to 75 percent effective January 1, 2020.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (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 its 88 cities in Los Angeles County with a combined population in excess of 10 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, the County of Los Angeles Board of Supervisors, the City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

SB 1020, if enacted as proposed on September 6, 2007 (copy enclosed), would increase the diversion rate from 50 percent to 60 percent by 2012 and to 75 percent by 2020, without addressing the inherent deficiencies in the State's diversion rate measurement system, or providing local governments with the critical resources necessary to attain a significant increase in diversion. Local governments across the State have already invested millions of dollars in the recycling infrastructure, the development and

implementation of waste reduction programs, and the mathematical accounting and documentation required to meet the current 50 percent mandate. The most cost-effective programs have already been implemented, along with a variety of feasible niche programs in order to meet the waste diversion mandates outlined in AB 939.

While the Task Force supports efforts to develop additional waste processing, recycling, and composting opportunities, SB 1020 would unnecessarily burden local governments by imposing mandates to force adoption of commercial recycling ordinances and inspection/monitoring of businesses for compliance when many businesses have already implemented recycling measures on a voluntary basis. For subsequent diversion increases to be possible, major investment in new programs and more significant changes to the solid waste management system in California, including its waste management hierarchy, will be required. Furthermore, we are concerned that the proposed language provides diversion credit for very narrowly defined types of conversion technologies, unfairly prohibiting development of most other viable technologies which are capable of processing various types of waste, including that which is not currently feasible by traditional recycling measures.

Finally, we continue to have significant concerns regarding the proposed legislation as voiced in our letters dated April 18 and May 23, 2007 (enclosed). These concerns include among others:

- The inherent issues in the current diversion rate measurement system and the many potential pitfalls in transitioning to a disposal based system.
- The lack of emphasis on producer responsibility. We believe that the greatest waste reduction gains can be achieved in the future by requiring manufacturers to take responsibility for their products and implement sustainable recovery programs.
- The need to enhance the State's recycling market development efforts.
- The need to conduct a cost/benefit and feasibility analysis of an increased diversion mandate, in conjunction with all affected stakeholders, and make a determination that the proposed increase in the diversion rate is justified.

Once again, the Task Force sincerely extends an invitation to you and your staff to attend a future Task Force meeting, so that we may share our local perspectives and engage in meaningful dialogue on this vital issue. We share a mutual goal of increasing diversion from landfills, and protecting the health and safety of all our residents. We hope our invitation is accepted in the spirit of collaboration and support in which it was sent.

The Honorable Alex Padilla
October 25, 2007
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Task Force meetings are generally scheduled for 1:00 p.m. on the third Thursday of each month, and are held at the County of Los Angeles' Department of Public Works Headquarters, 900 South Fremont Avenue, Alhambra, California 91803. Agendas and minutes of previous and future meetings are available online at www.lacountyiswmtf.org.

If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (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

VJ/CS:cw
P:\Sec\SB1020 Taskforce

Enc.

cc: Governor Arnold Schwarzenegger
Senate President Pro Tem Don Perata
Assembly Speaker Fabian Nuñez
Senator Dick Ackerman, Minority Leader
Assembly Member Michael Villines, Minority Leader
Senator Patricia Wiggins
Each Member of the Assembly Appropriation Committee
Each Member of the Los Angeles County Legislative Delegation
Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor in the County of Los Angeles
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Each Member of the County Sanitation Districts of Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each City Recycling Coordinator in Los Angeles County