

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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DONALD L. WOLFE
CHAIRMAN

May 19, 2005

The Honorable S. Joseph Simitian
The State Senate
State Capitol, Room 4062
Sacramento, CA 95814

Dear Senator Simitian:

**SENATE BILL 420 (AS AMENDED MARCH 29, 2005)
WASTE MANAGEMENT: DIVERSION**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **opposes** Senate Bill 420 (SB 420)—Waste Management: Diversion.

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 by the County and the 88 cities in the County of Los Angeles. Consistent with these responsibilities and to ensure a coordinated and cost-effective solid waste management system in the County of Los Angeles, 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.

Currently, State law requires each local jurisdiction to reduce the amount of solid waste disposed at landfills by 50 percent. Failure to mathematically demonstrate achievement of this requirement may subject local jurisdictions to penalties of up to \$10,000 per day. SB 420, if enacted, would increase the State's 50 percent waste reduction mandate to 75 percent by 2015.

The Task Force applauds your efforts for introducing SB 420 to help protect the environment and promote a more sustainable environment. We support the California Integrated Waste Management Board's guiding policy of a 'zero waste' California. However, without providing the financial and technical resources needed to achieve this mandate, we are concerned that jurisdictions would be set up for failure since many are

facing significant budgetary constraints. Most importantly, since the late 1990s, we, along with numerous jurisdictions in the County of Los Angeles and throughout the State, have expressed our concern to the Legislature and the Waste Board that the current State Diversion Measurement System used to calculate a jurisdiction's diversion rate is inherently flawed. The system has created an uncertain end result (with significant consequences) where on one hand, many jurisdictions have legitimately implemented all feasible waste diversion efforts but could not demonstrate it mathematically, and on the other hand, some jurisdictions would benefit from inaccuracies with high diversion rates not merited by their level of program implementation.

To address this issue, the State legislature enacted Senate Bill 2202 (SB 2202), [2000 Statutes] to investigate and remedy this issue. Pursuant to SB 2202, the Waste Board in 2001 prepared a report entitled "A Comprehensive Analysis of the Integrated Waste Management Act Diversion Rate Measurement System." The report determined that there is no clear nexus between the current Diversion Rate Measurement System and its ability to accurately determine a jurisdiction's compliance with the State's 50 percent waste reduction mandate. The current diversion rate as measured by the State's Diversion Measurement System is simply an indicator rather than an absolute determination of a jurisdiction's diversion rate and should be treated as such.

As we mentioned, the Task Force strongly supports initiatives to reduce the amount of waste disposed in landfills and improve the quality of life for all residents. We would like to offer the following practical solutions as ways the Legislature could be helpful in those goals:

- Provide full diversion credit and establish a level playing field for conversion technologies, as currently proposed in AB 1090 (Matthews). Conversion technologies are state-of-the-art technologies capable of converting residual solid waste (waste that remains after all recyclables have been removed) into marketable products, including renewable clean energy. Over 140 of these facilities exist in Europe and Japan.
- Reform the State's mathematically-oriented Diversion Rate Measurement System to a program-based measurement system to fairly assess whether a jurisdiction's level of program implementation is adequate and appropriate.
- Improve and enhance the State's recycling market development efforts. As more markets are created, the diversion of materials will increase proportionately.

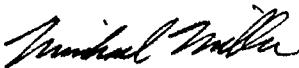
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- Conduct a cost/benefit analysis of an increased diversion mandate, in conjunction with all affected stakeholders, and make a determination that any proposed increase is justified.

We stand ready to assist the State in achieving a 'zero waste' sustainable environment. However, we must request the Legislature delay consideration of any further increases in the solid waste diversion mandate until these solutions can be implemented. Until sufficient financial and technical resources are provided, including implementing all of the solutions itemized above, the Task Force is **opposed** to SB 420.

Should you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,



Michael Miller, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force
Councilmember, City of West Covina

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cc: Senate President Pro Tem Don Perata
Assembly Speaker Fabian Nuñez
Each Member of the Senate Environmental Quality Committee
Each Member of the Assembly Natural Resources Committee
Each Member of the Los Angeles County Legislative Delegation
California Integrated Waste Management Board
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
Solid Waste Association of North America
South Bay Cities Council of Governments
Each Member of the Los Angeles County Integrated Waste Management Task Force
Each City Recycling Coordinator in Los Angeles County