



DONALD L. WOLFE
CHAIRMAN

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

November 24, 2004

Ms. Rosario Marin, Chair
California Integrated Waste Management Board
Cal-EPA Building
1001 "I" Street
Sacramento, CA 95812-4025

Dear Chairwoman Marin:

ASSEMBLY BILL 939 DIVERSION COMPLIANCE SYSTEM

On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force), I want to thank the California Integrated Waste Management Board (Waste Board) for conducting workshops to discuss future improvements to the State's diversion compliance system. While our shared goal is to divert as much waste from landfills, it is how we accomplish this goal that has generated much discussion. In this era of fiscal constraints and limited resources, coupled with a desire to establish safeguards to protect our environment, I am confident that we can work together to improve the system for the benefit of all Californians.

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 solid waste management 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.

Since 1999, the Task Force has consistently emphasized the need for the State to judge a jurisdiction's compliance with AB 939 by determining whether they have

implemented the programs identified in their Board-approved Source Reduction and Recycling Element (which is updated every year through their Annual Report). By judging the quality of programs implemented, the Waste Board could ensure the greatest amount of waste is diverted since a jurisdiction's resources would be focused on program implementation rather than towards tracking every ton of solid waste, commonly known as "bean counting" activities.

As you may know, jurisdictions in Los Angeles County share the concern that the current State diversion measurement system, particularly the State's disposal quantity reporting system, does not accurately quantify the amount of solid waste disposed by jurisdictions due to its inherent deficiencies. These deficiencies cause many jurisdictions to mathematically fail to achieve the State's 50 percent waste reduction mandate resulting in penalties of up to \$10,000 per day. Conversely, misallocation of the waste origin may also act as a disincentive for some jurisdictions (those that benefit from the misallocation) to maximize all feasible waste diversion efforts. To address this issue, the State legislature enacted Senate Bill 2202 (2000 Statutes) to investigate and remedy this issue. Pursuant to SB 2202, in 2001, the Waste Board prepared a report entitled, "A Comprehensive Analysis of the Integrated Waste Management Act Diversion Rate Measurement System." The report found the following:

One of the key findings of this review of the diversion rate measurement system is that a diversion rate is an estimate, not an absolute value, and there are potential inaccuracies in each part of the diversion rate measurement system. One difficulty faced by jurisdictions and decision makers is how to fairly assess the accuracy of a diversion rate estimate, given the many variables and the potential for inaccuracies involved. Stated differently, a key issue is how should an estimated diversion rate be weighted in comparison to diversion program information? Another key issue for jurisdictions and decision makers is the level of resources required to improve accuracy, and the appropriate balance between resources to improve accuracy and resources to implement diversion programs.

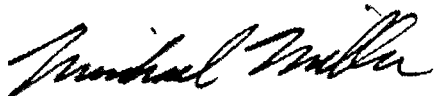
Thus, the report determined that there is no clear nexus between the current diversion rate measurement system and its ability to accurately determine a jurisdiction's compliance with AB 939's waste reduction mandate. The current diversion rate as measured by the State's diversion compliance measurement system is simply an indicator rather than an absolute determination of a jurisdiction's compliance with AB 939 and should be treated as such. Therefore, the challenge for the Waste Board now is to develop an efficient system that fairly assesses whether a jurisdiction's level of

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program implementation is adequate and appropriate. We stand ready to assist the Waste Board in this endeavor which we are confident will result in a greater level of diversion and resource management for the State as a whole.

Once again, thank you for conducting workshops on this issue which is paramount to all local governments Statewide. 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, and
Mayor, City of West Covina

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cc: Each Member of the California Integrated Waste Management Board
Mr. Mark Leary, Executive Director, 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
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Each Member of the Los Angeles County Integrated Waste Management Task Force