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SOLID WASTE ASSOCIATION
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CALIFORNIA CHAPTERS

FOUNDING

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LEGISLATIVE TASK FORCE

www.swanacal-leg.org

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**MINUTES OF SWANA CALIFORNIA LEGISLATIVE
TASK FORCE TELEPHONE MEETING**

August 2, 2012

By: Mark Urquhart, Secretary

The Legislative Task Force (LTF) meeting started at about 10:00 AM. A quorum was present as there were 12 members present and at least eight LTF members and one member from each chapter present. The agenda is Attachment A. A list of the attendees is Attachment B. The items from the agenda below were not necessarily all discussed in the order listed.

RUMORS AND GOSSIP

Lisa Wood noted and the LTF discussed the following items listed below.

- a. *Caroll Mortensen and Lisa Wood spoke about “75% Recycling” at Founding Chapter meeting on July 12, at the Nixon Library.*

Lisa Wood said she spoke after Caroll Mortensen and discussed the LTF in general and the LTF response paper to the CR draft 75% Plan. It was noted that LTF hopes CM will tap into SWANA membership technical and policy experience.

- b. *LTF decision to support Alameda was overtaken by events. [Local EPR Pharmaceuticals](#)*

Lisa Wood noted that the EPR ordinance was approved in Alameda County.

- c. *[The Green Restaurant Association composting food waste in San Diego](#)*

Lisa Wood said this program is going well in San Diego.

- d. *LTF Chair is investigating ways to help cities with [Possessions of homeless a problem for cities](#). Possibilities include:*

- *Funding for expenses associated with this function.*
- *Policies and guidelines to avoid litigation.*
- *Legislation to narrow situations in which litigation will be successful.*

Lisa Wood said she will take input from LTF and may bring topic back at a future meeting.

- e. *Supreme Court Ruling says juries must set criminal penalties in environmental cases (attached)*

Constance Hornig discussed that with juries involved in awards the “big pockets” may end up paying more of a share. This was just an informational item for local government in general.

- f. *San Diego’s disposal operations were put out to managed competition. City forces won the bid. Thank you to Neal Bolton for assistance to the employee response team.*

Lisa Wood noted the City of San Diego public employees won the landfill operations managed competition.

g. San Diego's collection operations will be put out to bid in 2013.

Lisa Wood noted that her division was informed that the City of San Diego collections operation will be put out to managed competition bidding next year.

BUSINESS ITEMS AND LTF ACTIVITIES

a) Approval of Minutes from July Phone Meeting

Lisa Wood asked for comments on these minutes. There were none.

Motion:

A motion was made and seconded to approve the minutes from the July 2012 meeting. The motion carried, as all were in favor.

b) Treasurer's Report

Mark Bowers noted that the July report was circulated prior to the meeting (Attachment C). Nancy Ewert noted that a number of checks have arrived that are not yet deposited yet or shown. These include those from some cities and counties and from the Western Regional Symposium (WRS). The contribution from the WRS to the LTF was \$14,000, which shows the WRS was financially successful.

Motion:

A motion was made and seconded to approve the July 2012 treasurer's report. The motion carried, as all were in favor.

LEGISLATIVE ITEMS

The following is a summary of the discussions of selected bills on the matrix, headed by Jason Schmelzer.

a. [AB 298](#) (Brownley): Single Cary Use Bags (Senate EQ)

Three bag bills including AB 298 (others are AB 1834 and SB 1219) were discussed. AB 298 is up for a hearing on Monday in Appropriations Committee. Paul Smith (RCRC) said he thought this bill might be amended and this might be the "big" bill on bags, rolling up other bills. The LTF decided that Jason Schmelzer would coordinate with the League and CSAC and work with the author's office with them. Jason Schmelzer noted that given timing an email vote by the LTF may be needed. This would be the approach on all three bills. Mark Bowers noted that there are problems with bill provisions based on his recent implementation of an ordinance in his jurisdiction. There was discussion of preemption of local ordinances. Mark Bowers said that he would prefer uniform bill from state level but there was a discussion that state run bill could create work and cost regarding measurement and other items, as is the case with other state bills.

b. [AB 1834](#) (Brownley): Reusable Bags Senate Third Reading

See (c.), AB 298

c. [SB 1219](#) (Pavley): Plastic Bags Assembly Appropriations

See (c.), AB 298

d. **SB 568 (Lowenthal): Polystyrene Food Containers** Assembly Inactive File
This bill is on the inactive list and there may not be a bill this year.

e. **AB 812 (Ma): Solid waste: recycled asphalt**
i. Senate Appropriations Committee—Support (no hearing set)
There was no discussion on this bill.

f. **AB 1442 (Wieckowski): Pharmaceutical waste.**
ii. Senate Appropriations Committee – Support
Jason Schmelzer noted that there is no opposition on this bill yet. He said he will attend at hearing to register LTF support.

g. **AB 1647 (Gordon): Solid waste: waste tires: enforcement**
iii. Senate Appropriations Committee—Support
There was no discussion on this bill.

h. **AB 1831 (Dickinson): Local government: hiring practices**
iv. Failed Deadline—Oppose
Jason Schmelzer noted that the bill had failed a deadline.

i. **AB 1900 (Gatto): Renewable energy resources**
v. Senate Appropriations Committee
See AB 2196 discussion.

j. **AB 2196 (Chesbro): Renewable energy resources**
vi. Senate Appropriations Committee

Paul Smith, RCRC discussed that there are two biomethane bills (Gatto AB 1900 and this Chesbro bill). He said that Assemblyman Chesbro believes that encouraging biomethane could lead to landfilling of more organics and so the Senator is thinking of adding restriction on materials to the biomethane bills.

Assemblyman Chesbro's staff has reached out to Californian's Against Waste (CAW), haulers, CalRecycle, RCRC, the League of Cities, the governor's office and others for input in a recent meeting that included phone participation from some. Eight points regarding the bill as discussed by the author's office were discussed with stakeholders (See Attachment D – *Elements of Proposed Organics Legislation*). It was discussed that it is expected that amendments will be put in 2196.

Paul Smith noted that RCRC and League discussed during the stakeholder call that the RCRC position is that the issue points listed on the issue paper from Assemblyman Chesbro's office are premature. When this position was presented by RCRC, it was dismissed by the author's office as inaccurate and it was noted that these items will be put in a bill that the author's office expects will be signed by the governor. Paul noted that the haulers appear to not be opposed to these 2196 provisions espoused by Assemblyman Chesbro.

Paul Smith said he would like to get input from the LTF on the issue list regarding what might be most negotiable items with Chesbro staff. He said this should take place soon as the bill will be moving soon. Paul Smith noted that City of San Jose, Sonoma and few other local government staff on the phone during the meeting did not object to the bill and so CalRecycle and the author feel that the provisions of the bill are “doable”.

Paul Smith reiterated that the League of California Cities and RCRC feel the bill is premature and should be held until the implementation of AB 341 sorts out. The LTF debated what revisions to the bill might be proposed that might mitigate some measures, from the LTF point of view. An approach discussed was whether to go back to large framework issues in the SWANA response on the AB 341 CalRecycle 75% Plan. Jason Schmelzer noted that since Chesbro has already gone to governor and waste haulers backing the bill, an LTF direct oppose position will probably not be successful.

It was discussed that a subcommittee would be set up to look into this matter including at least one person from each chapter to make sure that rural issues are taken into consideration. It was discussed that a phone conference should be set up for the following week. Nancy Ewert and Curtis Larkin volunteered for the Sierra Chapter. A number of strategies were discussed. Glenn Acosta, Sharon Green, Mike Mohajer, and Constance Hornig volunteered from the founding chapter. Larry Sweetser volunteered and Lisa Wood suggested someone from the Bay Area. Mark Bowers said he was not available given the timeframe and so it was suggested that William Merry would be a good choice (William Merry was not on this LTF meeting call) as MRWMD has integrated system with LFGTE, ect. Chris Hanson volunteered to be on subcommittee. A subcommittee conference call was set for 8AM Monday August 6.

Sharon Green noted that 2196 may be amended to remove LFG Renewable Portfolio Standard eligibility for pipeline biomethane projects, except for closed landfills. The general push appears to be along the lines of “Peter Anderson” espoused policy of moving all organics out of landfills.

k. **SB 964 (Wright): Administrative Procedure Act: State Water Resources Control Board and California regional water quality control boards.**

vii. Dead—Support in Concept

There was no discussion on this bill.

l. **SB 965 (Wright): State Water Resources Control Board and California regional water quality control boards: ex parte communications**

viii. Assembly Appropriations Committee – Support

Still moving LTF will be at hearing to support.

m. **SB 1118 (Hancock): Solid waste: used mattresses.**

ix. Assembly Appropriations Committee—Support if Amended

It was noted that amendments to bill have been substantial. Some amendments have come from CalRecycle. Jason Schmelzer expects that if there is general acceptance of CR amendments that author will take those as is. There was email circulated on the bill at 9:30AM just prior to the meeting. It was decided that LTF would send input to Jason Schmelzer by the end of day for a vote. Paul Smith noted that RCRC is taking their time on the issue. Jason Schmelzer said LTF will reconnect next week for comments and a vote. An optional conference call was set for next Weds morning, with subsequent email vote by the end of next Friday.

n. AB 480 (Solorio): Captive Insurance

- x. Senate Appropriations Committee – Oppose

It was discussed that LTF should maintain its current oppose position.

o. AB 1178 (Ma): Solid Waste: Place of Origin

- xi. Senate Environmental Quality Committee – Oppose

Jason Schmelzer said that recent amendments were sent out 8/1/12. The bill is in flux at this time. In general it appears that latest version would not change the LTF position. The LTF will continue to oppose this bill. It was discussed that there may not be a hearing and the governor's office might veto the bill.

REGULATORY MATTERS

- a. Cal-Recycle July 25 Five Year Review Workshop: Shall the LTF send a letter of support for the Enforcement Advisory Council's streamlining efforts?

It was discussed that LEAs want the 5-year review cycle to reset if there would be a permit revision. It was decided LTF would track this regulatory process.

- b. EPR Paint Care. Larry Sweetser can talk about local government liability problems that are developing and what Heidi and others are doing. (Letters were needed last week.)

Larry Sweetser discussed that master sample contracts were put out that many found objectionable. Issues include insurance requirements, additional insured, waivers, indemnification, ect. There are also public information versus confidentiality conflicts. Larry Sweetser said that there are RCRA (superfund) liability issues and other issues that also need sorting out by attorneys on the draft contract. Larry Sweetser asked that jurisdictions have their legal counsels look at the sample contract and provide comments (send to Larry).

- c. Composting Regs. Matthew Rodriguez of CalEPA responded to our letter saying he would like to work with us (see to-do's for meeting). Suggestions from San Diego staff include assistance with ensuring that pesticides don't enter compost (issue in Vermont):
- Require pesticide manufacturers to develop and fund "compostability testing" of pesticides when applying for a license to sell.
 - Place restrictions on online pesticide purchases, or better enforcement of existing restrictions.

Lisa Wood discussed that LTF officers will set up a meeting with CalEPA. She asked that she be sent input from others on the LTF regarding the issue.

Other

Larry Sweetser noted that State Water Quality Control Board is adopting a general order for WDR. It was noted it was comprehensive and Regional Water Quality Control Boards can expand upon it.

Constance Hornig brought up that many states are developing mandatory e-waste recycling, which is being tracked by SWANA national. It was discussed that there should be a nexus between EPR and e-waste recycling

To Do's

It was discussed that Jason Schmelzer is still working on setting up a meeting regarding the Conversion Technology issue and was decided to break off the AB341 Plan and organics legislation issues into separate meetings.

ADJOURNMENT

The meeting was adjourned about 11:59 AM.

SWANA Legislative Task Force Meeting Agenda

August 2, 2012

Call in number 1-800-867-2581

Access# 1006105

I. Rumors and Gossip

- a. Caroll Mortensen and Lisa Wood spoke about “75% Recycling” at Founding Chapter meeting on July 12, at the Nixon Library.
- b. LTF decision to support Alameda was overtaken by events. [Local EPR Pharmaceuticals](#)
- c. [The Green Restaurant Association composting food waste in San Diego](#)
- d. LTF Chair is investigating ways to help cities with [Possessions of homeless a problem for cities](#). Possibilities include:
 - Funding for expenses associated with this function.
 - Policies and guidelines to avoid litigation.
 - Legislation to narrow the situations in which litigation will be successful.
- e. Supreme Court Ruling says juries must set criminal penalties in environmental cases (attached)
- f. San Diego’s disposal operations were put out to managed competition. City forces won the bid. Thank you to Neal Bolton for assistance to the employee response team.
- g. San Diego’s collection operations will be put out to bid in 2013.
- h. Other

II. Business Items

- a. Approval of July Meeting Minutes – (pending)
- b. Treasurer’s Report: July – (pending)

III. Legislative Items

- a. [AB 298 \(Brownley\): Single Use Bags](#)
 - i. Senate Appropriations Committee
- b. [AB 1834 \(Brownley\): Reusable Bags](#)
 - i. Senate Third Reading
- c. [SB 1219 \(Pavley\): Plastic Bags](#)
 - i. Assembly Appropriations Committee
- d. [SB 568 \(Lowenthal\): Polystyrene Food Containers](#)
 - i. Assembly Inactive File
- e. [AB 812 \(Ma\): Solid waste: recycled asphalt](#)
 - i. Senate Appropriations Committee—Support
- f. [AB 1442 \(Wieckowski\): Pharmaceutical waste.](#)
 - i. Senate Appropriations Committee – Support
- g. [AB 1647 \(Gordon\): Solid waste: waste tires: enforcement](#)
 - i. Senate Appropriations Committee—Support

- h. **AB 1831 (Dickinson): Local government: hiring practices**
 - i. Failed Deadline—Oppose
- i. **AB 1900 (Gatto): Renewable energy resources**
 - i. Senate Appropriations Committee
- j. **AB 2196 (Chesbro): Renewable energy resources**
 - i. Senate Appropriations Committee
- k. **SB 964 (Wright): Administrative Procedure Act: State Water Resources Control Board and California regional water quality control boards.**
 - i. Dead—Support in Concept
- l. **SB 965 (Wright): State Water Resources Control Board and California regional water quality control boards: ex parte communications**
 - i. Assembly Appropriations Committee – Support
- m. **SB 1118 (Hancock): Solid waste: used mattresses.**
 - i. Assembly Appropriations Committee—Support if Amended
- n. **AB 480 (Solorio): Captive Insurance**
 - i. Senate Appropriations Committee – Oppose
- o. **AB 1178 (Ma): Solid Waste: Place of Origin**
 - i. Senate Environmental Quality Committee – Oppose

IV. Regulatory Items

- a. Cal-Recycle July 25 Five Year Review Workshop: Shall the LTF send a letter of support for the Enforcement Advisory Council’s streamlining efforts?
- b. EPR Paint Care. Larry Sweetser can talk about local government liability problems that are developing and what Heidi and others are doing. (Letters were needed last week.)
- c. Composting Regs. Matthew Rodriguez of CalEPA responded to our letter saying he would like to work with us (see to-do’s for meeting). Suggestions from San Diego staff include assistance with ensuring that pesticides don’t enter compost (issue in Vermont):
 - Require pesticide manufacturers to develop and fund “compostability testing” of pesticides when applying for a license to sell.
 - Place restrictions on online pesticide purchases, or better enforcement of existing restrictions.

V. To Do’s

- a. Jason: schedule meeting with Justin/Carroll/Matt/officers.
- b. Lisa: develop agenda for meeting with Justin/Carroll/Matt officers.
- c. Follow-up on organics with Matthew? Anything with CalRecycle?
- d. Update on white paper – include “equivalent diversion.”

VI. Other

ATTENDANCE LIST
SWANA LEGISLATIVE TASK FORCE TELEPHONE MEETING AUGUST 2, 2012

VOTING MEMBER /CHAPTER	NAME	ORGANIZATION	PHONE	EMAIL
VM/Gold Rush	Mark Urquhart (S)	HDR Engineering, Inc.	916-817-4933	mark.urquhart@hdrinc.com
VM/Gold Rush	Larry Sweetser	Sweetser and Associates/ESJPA	510-703-0898	sweetser@aol.com
VM/Gold Rush	Christina Hanson	Placer County	530-886-4965	CHanson@placer.ca.gov
VM/Gold Rush	Mark Bowers (T)	City of Sunnyvale	408- 730-7421	mbowers@ci.sunnyvale.ca.us
VM/Founding	Glenn Acosta	LA County Sanitation Districts	562-699-7411	gacosta@lacs.org
VM/Founding	Mike Mohajer	Southern California Waste Management Forum	909-592-1147	mikemohajer@yahoo.com
VM/Founding	Constance Hornig	Law Offices	323-934-4601	hornigesq@comcast.net
VM/Founding	Lisa Wood (C)	City of San Diego	858-573-1236	lfwood@sandiego.gov
Alt VM/Founding	Sharon Green	LA County Sanitation Districts	562-699-7411	sgreen@lacs.org
VM/Sierra	Jim Babcock	ARCADIS, Inc.	510-301-5063	Jim.Babcock@arcadis-us.com
VM/Sierra	Curtis Larkin	Fresno County Dept. of Public Works & Planning	559.262-4259	clarkin@co.fresno.ca.us
VM/Sierra	Nancy Ewert (VC)	Kern County	661-862-8953	nancye@co.kern.ca.us
	Paul Smith	Regional Council of Rural Counties (ESJPA)	(916) 447-4806	
Gold Rush	Doug Eubanks	Sacramento County	916-875-7165	eubanksd@SacCounty.NET
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VM= Voting Member

Ch = Chair

VC = Vice Chair

T = Treasurer

S = Secretary

SWANA LEGISLATIVE TASK FORCE - 2012 BUDGET

July 2012 Treasurer's Report

BEGINNING ACCOUNT BALANCE - 1/1/2012			
	\$	46,662.50	
Release from Reserves	\$	11,435.00	
Starting Cash Balance	\$	35,227.50	
REVENUES			
	Annual	Monthly	YTD
DUES SURCHARGE (\$30 / MEMBER)	\$ 21,000.00		
Jan Dues		\$1,170.00	
Feb Dues		\$1,980.00	
Mar Dues		\$3,810.00	
Apr Dues		\$1,560.00	
May Dues		\$1,710.00	
June Dues		\$1,140.00	
July Dues		\$1,740.00	
Aug Dues			
Sept Dues			
Oct Dues			
Nov Dues			
Dec Dues			\$13,110.00
WESTERN REGIONAL SYMPOSIUM	\$ 7,500.00		
			\$0.00
MOLO COURSE REVENUES	\$ 5,000.00		
			\$0.00
AGENCY CONTRIBUTIONS	\$ 15,000.00		
Clovis			
Kern County			
San Joaquin County			
City of Folsom			
Merced County			
LA County			
City of Sunnyvale			
City of San Diego			
Monterey RWMD			
Placer County			
City of Tulare			
Salinas IWMA			\$0.00
INTEREST	\$ 5.00		
Jan-12		\$0.40	
Feb-12		\$0.38	
Mar-12		\$0.38	
Apr-12		\$0.36	
May-12		\$0.33	
Jun-12		\$0.31	
Jul-12		\$0.29	
Aug-12			
Sep-12			
Oct-12			
Nov-12			
Dec-12			\$2.45
RELEASE FROM RESERVES	\$11,435.00		
			\$0.00
TOTAL BUDGETED REVENUES	\$ 59,940.00		\$13,112.45

EXPENSES			
	Annual	Monthly	YTD
REGULATORY REVIEW	\$ 12,000.00		
Jan-12		\$1,000.00	
Feb-12		\$1,000.00	
Mar-12		\$1,000.00	
Apr-12		\$1,000.00	
May-12		\$1,000.00	
Jun-12		\$1,000.00	
Jul-12			
Aug-12			
Sep-12			
Oct-12			
Nov-12			
Dec-12			\$6,000.00
SHAW / YODER, INC. CONTRACT	\$ 38,940.00		
	Cashed		
Jan-12		\$3,245.00	
Feb-12		\$3,245.00	
Mar-12		\$3,245.00	
Apr-12		\$3,245.00	
May-12		\$3,245.00	
Jun-12		\$3,245.00	
Jul-12			
Aug-12			
Sep-12			
Oct-12			
Nov-12			
Dec-12			\$19,470.00
SHAW / YODER, INC. ADMIN. EXPENSES	\$ 2,000.00		
Jan-12		\$95.63	
Feb-12		\$45.00	
Mar-12		\$45.00	
Apr-12		\$45.00	
May-12		\$45.00	
Jun-12		\$45.00	
Jul-12			
Aug-12			
Sep-12			
Oct-12			
Nov-12			
Dec-12			\$320.63
WEBSITE DEV/MAINTENANCE & ROSTER	\$ 500.00		
Jan-12		\$0.00	
Feb-12		\$0.00	
Mar-12		\$60.00	
Apr-12		\$72.00	
May-12		\$20.00	
Jun-12		\$112.00	
Jul-12			
Aug-12			
Sep-12			
Oct-12			
Nov-12			
Dec-12			\$264.00
MTGS/TELECONFERENCE/WORKSHOP	\$ 4,500.00		
Jan-12		\$16.86	
Feb-12		\$125.87	
Mar-12		\$0.00	
Apr-12		\$395.70	
May-12		\$97.10	
Jun-12		\$209.20	
Jul-12			
Aug-12			
Sep-12			
Oct-12			
Nov-12			
Dec-12			\$844.73
CONTINGENCIES / SPECIAL PROJECTS	\$ 2,000.00		
			\$0.00
TOTAL BUDGETED EXPENSES	\$ 59,940.00		\$26,899.36
July Account Balance			\$32,875.59
PROJECTED CARRY OVER TO 2012	\$ 35,227.50		

Elements of Proposed Organics Legislation:

(Updated 7/27/12)

- 1) **Intent language** describing the benefits of compost and stating that the state should reduce barriers to, and provide incentives for, increasing processing capacity and end-use markets.
- 2) **Codify Strategic Directive 6.1**, a goal adopted under the CIWMB to cut organics in landfills by 50 percent by 2020.
- 3) **Apply tip fee surcharge** (\$1.40) to greenwaste used as ADC/AIC, which is the same fee paid by other waste that gets landfilled. (The surcharge paid by other waste had previously subsidized CalRecycle's inspection and regulation of ADC application.)
- 4) CalRecycle to **phase-out diversion credit for greenwaste used as ADC/AIC** by 2020, but may delay effective date for up to two years if regional capacity is unavailable. CalRecycle may implement the phase-out at different times for different regions of the state, but not later than 2020.
- 5) CalRecycle to adopt **regulations establishing standards to use MRF fines as ADC** by a specified date. Limit to single stream and C&D MRFs, and require CalRecycle to consider impacts on recycling and health and safety when developing the regs. (Currently allowed on a case-by-case basis)
- 6) Require large-quantity **commercial organics generators** (as determined by the CalRecycle) to source separate and subscribe to recycling for this material, similar to the commercial recycling requirements of AB 341. CalRecycle may establish different implementation timelines for different materials (food and green) and different regions (as defined by CalRecycle), but must be completely implemented no later than 2016.
- 7) Local governments will need to plan for **15 years of organics processing capacity**, similar to the existing requirement for 15 years of disposal capacity.
- 8) Require solid waste facilities that accept solid waste from the public and/or self-haulers to have a **separate collection area for segregated greenwaste and non-hazardous wood waste**. Facilities must provide the public and/or self-haulers with a tip fee for the segregated greenwaste and non-hazardous wood waste that is no higher than MSW, and they must not dispose of this material.