

# SWANA LEGISLATIVE TASK FORCE

California Chapters

## 2016 WORK PLAN

December 2015

### 2015 IN REVIEW

#### Legislation and Regulations

At its annual strategic planning workshop, the SWANA Legislative Task Force (LTF) discussed the significant regulatory and legislative activities that occurred over the past year, and how these may serve as policy drivers in 2016.

The Legislature focused heavily on key policy areas in 2015. The management of organics was the focus of AB 876 (McCarty) and AB 1045 (Irwin). Household Hazardous Waste, and the debate

over if, and to what extent, industry should help manage the end of life consequences of hard-to-handle products was the focus of AB 45 (Mullin) and AB 1159 (Gordon).

In addition, the ARB's Scoping Plan Update and Short-lived Climate Pollutants strategy, along with CalRecycle's AB 341 report, have set the tone for the Legislature in 2016.

#### MISSION STATEMENT:

*To represent local government interests and the three California Chapters' membership in developing and advocating environmentally and technically sound, economical solid waste policy at the most appropriate government level*

### 2016 OUTLOOK

In 2016 the Legislature will likely introduce bills aimed at addressing CalRecycle long-term funding needs in a manner not entirely dependent on landfill disposal; forcing local governments to increase HHW collection rather than creating statewide manufacturer takeback programs for these wastes;

### Purpose

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The Work Plan serves as a policy guide for the Legislative Task Force of the SWANA California Chapters when it considers taking positions on proposed legislation, performing advocacy, and conducting outreach.

### 2016 PRIORITIES

#### Policy Topics

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- Sustainable Funding for Local Government and CalRecycle programs
- Organics Recycling Programs and Infrastructure
- Development of Local Markets for Recyclable Commodities
- Extended Producer Responsibility / Product Stewardship / Lifecycles Issues / HHW
- Energy Recovery / Emerging Technologies
- Maintain / Enhance Local Government Discretion

and creating funding mechanisms to build organics recycling infrastructure.

In large part, the Legislature's policy is being driven by regulatory strategies being developed by the California Air Resources Board, which is focused on reducing greenhouse gas emissions related to waste management, and CalRecycle, which is striving to achieve the 75% statewide diversion goal established by the Legislature in AB 341.

# LAWS AND REGULATIONS

## **GOAL:**

Ensure, through active participation in the development and review process, reasonable laws and regulations that assure economic feasibility and protection of health, safety, and the environment.

## **OBJECTIVES:**

Influence laws and regulations to be supportive of the LTF Mission Statement and White Papers. Work with agencies, legislators, and organizations to reverse the “End of the Pipe” paradigm, i.e., work towards solutions that focus much more on solid waste prevention and beneficial reuse. Promote meaningful stakeholder input in the development of plans, policies, and regulations. Promote consideration of full life-cycle impacts associated with various solid waste management approaches. Promote the training and professionalism of the solid waste industry.

## **ACTION ITEMS:**

1. Develop and promote the position papers developed by the LTF and SWANA National, including household hazardous waste, local government and CalRecycle long-term funding, and removing regulatory barriers to organics recycling.
2. Support legislation and regulations that provide economic incentives for development of manufacturing facilities in California that use materials recovered through recycling.
3. Oppose legislation and regulations that explicitly preempt local government authority.
4. Encourage effective management approaches, such as extended producer responsibility, for e-waste / universal / medical / pharmaceutical / household hazardous waste / sharps / and other hard-to-manage items.
5. Oppose unrealistic best efforts requirements and promote transparency of jurisdiction Integrated Waste Management Plan review.
6. Support reducing legislative, regulatory, and economic barriers to energy recovery from MSW, such as modifying Renewable Portfolio Standards and lowering interconnection fees.
7. Support diversion credit and incentives for emerging technologies. Support the development of emerging technology by:
  - Opposing laws and regulations that treat these facilities as disposal facilities.
  - Promoting realistic requirements for front end recovery of recyclable materials.
8. Encourage life cycle analysis including a consideration of economics.

9. Encourage effective management of organic material, for example by:
    - Promoting consistent definitions and a distinction regarding “compostable” versus “non-compostable” organic materials,
    - Basing laws and regulations on threats identified by credible studies,
    - Encouraging market development,
    - Allowing phased implementation,
    - Providing financial assistance,
    - Considering local conditions, including quarantine areas declared by CDFA,
    - Providing “Tools, not Rules”,
    - Promoting integration of emerging technologies into the solid waste hierarchy.
  10. Support continued ability to use materials beneficially within solid waste facilities.
  11. “Don’t Ban Without a Plan.”
  12. Support recognition of the unique characteristics of solid waste facilities and promote reasonable storm water regulations.
  13. Promote the use of Siting Elements, the SRREs, and the HHWEs as local planning and implementation tools.
  14. Promote appropriate uses for Materials Recovery Facility fines and residuals.
  15. Oppose legislation mandating that all waste must pass through MRFs.
  16. Support the requirement for a basic level of training of solid waste managers and inspectors. Promote joint training opportunities, and maintain a certification program.
  17. Support legislation to include local government in the definition of solid waste enterprise with regard to five year continuation rights.
  18. Promote a more effective and financially sustainable Bottle Bill.
  19. Promote sustainable funding for local government and CalRecycle programs.
  20. Promote practices, policies, laws and regulations that discourage illegal dumping and also discourage the theft of materials.
  21. Promote recognition that solid waste facilities are an essential part of the infrastructure for public health and safety and do not belong in the Cap and Trade system.
    - Support Cap and Trade funding for solid waste practices that reduce greenhouse gas emissions
    - Promote effective and accurate GhG analysis.
  22. Promote streamlining CEQA processes.
  23. Promote sustainable development through the Green Building Code and other State regulations.
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24. Encourage effective management of the Tire Fund.
25. Promote coordination of regulatory requirements for managing solid waste among all state agencies.

# LOCAL AUTHORITY AND GOVERNMENT ORGANIZATION

## GOAL:

Promote control (and reorganization as necessary) of solid waste policy and operations, at the lowest governmental level possible. Emphasize:

- Effective, certified staffing for all aspects of solid waste management
- Cost-effective and sustainable programs
- Environmental soundness
- Maximum flexibility for optimized solutions

## ACTION ITEMS:

1. Support efforts to eliminate overlapping and conflicting state goals, policies and regulations.
2. Promote limits on agency review periods and the ability to appeal an agency's decisions.
3. Seek to limit State Water Board requirements to those that are necessary, feasible and cost-effective and provide local flexibility, such as those requirements associated with storm water, ground water, and Waste Discharge Requirements.
4. Promote public agencies' implementation of waste diversion and market development. Support regulations and legislation to further this goal.
5. Support legislation that would provide for local government stakeholder participation with state and regional agencies.
6. Support legislation and/or regulations that provide local government with the authority and means to achieve and fund mandated activities.
7. Support equitable solutions to waste export issues and address the applicability of State and local tonnage fees on exported waste.
8. Support efforts to provide the regulated community with greater due process in any enforcement or other directed activity of any enforcement agency.
9. Support retention of local authority to provide enforcement and designate LEAs.
10. Promote appropriate use of the OEHHA California Communities Environmental Health Screening Tool and the US EPA EJ SCREEN.
11. Oppose legislation and regulations that explicitly preempt local government authority.
12. Promote Green Chemistry initiatives.
13. Seek to limit attorneys' incentives to bring citizen suits within the context of environmental statutes.

# OUTREACH AND AWARENESS

## **GOAL:**

Increase awareness of legislative and regulatory issues within SWANA's membership, and enhance the ability and effectiveness of the LTF to influence the legislature, regulatory agencies, and other associations in support of the LTF Mission Statement and adopted positions.

## **Policy Principles:**

1. Enhance the influence of California Chapters of SWANA with the Legislature and regulatory agencies, and encourage them to consider the global impacts of their actions.
  - a. Establish and maintain contacts with key staff and officers of the following: The Governor's office, California Legislature, CalEPA, Natural Resources Agency, CalRecycle, SWRCB, CARB, DTSC, CEC, DPH, CPUC and other relevant state agencies and departments. Furnish information as appropriate.
  - b. Encourage local members' involvement in rulemaking and legislative processes.
  - c. Disseminate priorities and positions of SWANA and the LTF.
  - d. Prepare and develop white papers and other communications.
2. Support and promote policies developed by SWANA International, such as:
  - a. Product Stewardship and Extended Producer Responsibility,
  - b. Policy on Solid Waste Disposal Bans,
  - c. Applied Research Documents / Emerging Technologies.
3. Recommend, support, and/or promote the development of SWANA International policies and research on important issues, such as the impact of solid waste management on climate.
4. Monitor nationally significant rulings and issues that may affect California. Identify potential statewide impacts and broadly disseminate information, and assist as necessary. Also, solicit input from all California members.
5. Maintain and strengthen coalition building with associations with compatible goals and objectives, such as:
  - a. California State Association of Counties / County Engineers Association of California
  - b. League of California Cities
  - c. Regional County Representative of California / Environmental Services Joint Powers Authority
  - d. California Conference of Directors of Environmental Health
  - e. Local Enforcement Agencies

- f. Private Haulers / Solid Waste Industry Group
  - g. Councils of Government
  - h. American Public Works Association
  - i. Environmental Organizations
  - j. Product Stewardship Organizations
  - k. Bio Energy Organizations
  - l. US Composting Council
6. Inform SWANA membership of legislative, regulatory, planning, and judicial issues.
    - a. Send e-mail bulletins to all interested California SWANA members to inform them of important developments and seek support of SWANA membership on critical issues.
    - b. Provide updates at chapter meetings and to the general membership.
  7. Encourage SWANA membership to keep local government and special district officials aware of issues of greatest importance to SWANA.
  8. Maintain an effective LTF website. Post on LTF website industry comment letters and coalition letters on which SWANA California Chapters are signatories.
  9. Promote awareness of training, education, and certification opportunities provided by SWANA. Support the requirement for a basic level of training of solid waste managers and inspectors. Promote joint training opportunities and maintain a certification program.
  10. Enhance education and awareness of SWANA membership through presentation of a legislative and regulatory sessions at the Western Regional Symposium and other forums.

## **SWANA LEGISLATIVE TASK FORCE MEMBERS California Chapters**

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