

SWANA CALIFORNIA CHAPTERS

LEGISLATIVE TASK FORCE (LTF)

2004 WORK PLAN

At its annual workshop in November, 2003, the Legislative Task Force identified the following issues as top priorities for the 2004 Work Plan:

- Landfill waste bans/product stewardship
- E-waste regulations and possible legislative expansion
- Oppose increase in or additional uses of landfill surcharges – e.g. 2003’s SB 1078
- Disposal reporting system implementation – e.g. 2000’s SB 2202
- Landfill Liners
- 30 year plus post-closure
- Conversion technology regulations
- The CIWMB Landfill Gas Compliance study
- Regulations pertaining to bioreactors

The 2004 Work Plan encompasses six major areas of effort and will guide the activities of the LTF and its Legislative Advocate during the 2004 calendar year.

Mission Statement:

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

I. REGULATIONS

A. Goal: Limit regulations (new or revised), through active participation in the development and review process, to levels necessary to assure appropriate protection of health, safety and the environment.

B. Objective: Expeditiously review draft regulations to allow timely submission of comments.

C. Action items

1. Monitor/take action regarding proposed changes to the Disposal Reporting System; support proposals to increase the accuracy of data reported by haulers as well as the allocation of residual tonnages. Monitor/support, when appropriate, regulations implementing the SB 2202 (2000) consensus group’s recommendations advocating alternative AB 939 diversion rate measurement that relies upon implementation of programs identified in jurisdictional SRRE and less on mathematical compliance
2. Oppose any proposal to change current requirements concerning landfill liners that does not take into account site-specific performance. Advocate, when appropriate, for uniformity and standardization of the demonstration process within WRCB’s authorization Title 27 authorization.

3. Monitor and provide comments with respect to regulations developed to implement SB 20 (Sher) relating to e-waste.
4. Advocate for conversion technology regulations which would actually promote, rather than hinder, the development of facilities. Oppose regulations that would treat these conversion technology facilities as disposal facilities or which require front end recovery of recyclable materials.
5. Monitor / take action with respect to any revisiting of Phase I C & D regulations.
6. Monitor application of Phase I C & D requirements to other wastes and /or facilities tiers.
7. Advocate for the CIWMB to implement regulations (C & D PHASE II) consistent with the intent of the Chavez Bill (AB 2308 – 2002), i.e. not count inert fill as disposal.
8. Monitor development and application of C& D model ordinance regulations (SB 1374 - 2003) and appraise general membership.
9. Advocate for appropriate state bioreactor regulations.
10. Monitor / take action regarding CIWMB and Cal EPA Agencies review of existing policies / guidelines, e.g. Permit Enforcement Process, Five Year Review Process, Conformance Findings, Siting Elements and NDFEs, Long-Term Violation Policy, Landfill Gas and Gas Migration, state minimum standards, and definition of “significant change”
11. Monitor implementation of AB 28 (2003) regulations relative to changes in Bottle Bill.
12. Advocate for post-closure regulations that are site-specific. Where appropriate, advocate for consistency with federal regulations.
13. Monitor and, if appropriate, take action concerning the DTSC universal waste rule, e.g. regarding new requirements for CRTs, consumer electronic devices (CEDs) bans and load checking.
14. Monitor and, if appropriate, take action relative to Subtitle D Revisions
15. Monitor proposals that incorporate Environmental Justice issues into CIWMB regulations; utilize position papers developed by SWANA National as appropriate
16. Monitor landfill compliance study, landfill radioactivity study, and AB 939 compliance.

II. LEGISLATION

- A. Goal:** Review, comment on and influence proposed legislation addressing solid waste issues and pursue/support legislation supportive of the LTF Mission Statement. Work with environmental organizations and others to reverse the “End of the Pipe” paradigm, i.e. work towards solutions that focus much more on solid waste prevention rather than solid waste mitigation.

B. Objectives: Identify legislation of interest sponsored by other associations; provide comments to Governor, key legislators and staff on high priority bills; leverage with partner associations, local agencies and industry support of LTF positions on priority bills; develop alerts to all SWANA members and local agencies as appropriate; develop and submit LTF letters to Governor as appropriate.

C. Action Items:

1. Seek legislation that would prohibit any agency from promulgating regulations that would ban materials from landfill disposal without first satisfying the following conditions:
 - a. Scientific studies show that burial of the material poses a danger to public health or environment. "No study, OK to Bury."
 - b. A plan is developed to provide realistic and cost-effective ways to remove the material from the waste stream. "Don't Ban Without a Plan."
2. Advocate for alternative AB 939 compliance system that relies upon implementation of programs identified in SRRE.
3. Advocate product stewardship and increased manufacturer responsibility with respect to materials that are difficult to recycle and/or hazardous waste and/or banned from landfills. "You Make It, You Take It."
4. Monitor legislation that would amend the usage of the CIWMB landfill tipping fee. Oppose legislation that would increase the fee.
5. Oppose legislation, which would increase disposal tip fee surcharges to fund retrofit as required by the California Air Resources Board (CARB). Support legislation that would provide funding through other means, such as additional tax on diesel fuel. Support legislation to provide additional funds for the conversion of diesel-powered vehicles.
6. Monitor and take position(s) as necessary with respect to legislation that proposes to expand the scope of SB 20 (2003) relating to e-waste.
7. Oppose any legislation that is de facto "prevent and substantially impair."
8. Support conversion technologies and removal of the 10% cap on AB 939 diversion credits. Oppose legislation that would limit funding for conversion technologies based upon jurisdictions' diversion rates.
9. Oppose legislation to undo AB 939 credit for ADC.
10. Oppose legislation that would usurp local control, including with respect to the existing LEA system.
11. Support legislation that would facilitate regional waste authorities. Oppose legislation, such as AB 1174 that would interfere with the ability of regional waste authorities and other local agencies to develop and implement programs.
12. Support greater State involvement in market development for diverted materials.
13. Support utilization of future "Bottle Bill" surplus(es) for increased recycling and market

development.

14. Oppose any legislation mandating that all waste must pass through MRFs.
15. Look for opportunities to improve the planning and operational constraints of hauler five year continuation rights. Support legislation to include local government in the definition of solid waste enterprise.
16. Support legislation to address issues not included in SB 2202 Good Faith Effort or regulations to implement SB 2202 that were included in the consensus group's recommendations to improve the disposal reporting system and diversion rate compliance measurement.
17. Monitor legislation and, as appropriate, take action relative to any bill that proposes to expand CIWMB authority.
18. Support increased recycled content which meets quality and cost effective criteria.
19. Oppose legislation to undo existing system of siting element conformance.
20. Support legislation to provide additional funds for paint recycling.
21. Support legislation that would provide incentives for bioreactors.
22. Support legislation to provide relief re: axle weights, including jurisdictions that have converted trucks to natural gas.

III. OUTREACH AND AWARENESS

- A. 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.
- B. Objectives/Actions Items:**
 1. Enhance influence of SWANA with Legislature and regulatory agencies.
 - a. Establish and maintain contacts with key legislators, their staff, CAL-EPA,
 - b. CIWMB Board members and staff, SWRCB Board members and staff, CARB Board members and staff, DTSC staff, DOC, Department of Health, and other relevant state agencies and departments and other officials. Furnish information as appropriate.
 - c. Encourage local members' involvement with regional agencies when appropriate.
 - d. Prepare and disseminate profile of SWANA and LTF white papers as appropriate.
 2. Inform SWANA membership of legislative, regulatory and judicial issues.
 - a. Send four newsletters to LTF members and interested parties.
 - b. 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.
 - c. Provide legislative update at the combined chapters board meeting and general membership
 - d. Encourage SWANA membership to keep local government and special district officials aware of issues of greatest importance to SWANA
 - e. Maintain website including ability for member to update contact information.

3. Coordinate CIWMB CA-Specific Manager of Landfill Operations (MOLO program) as well as raise awareness of other training opportunities provided by SWANA, including the Western Regional Symposium and SWANA National Trainings such as WASTECON and other trainings relating to the transfer/collection/recycling activities.
4. Maintain and strengthen coalition building with associations with compatible goals and objectives including, but not limited to:
 - a. California State Association of Counties
 - b. League of California Cities
 - c. Rural Counties ESJPA
 - d. California Conference of Directors of Environmental Health
 - e. County Engineers Association of California
 - f. California Refuse Removal Council
 - g. Solid Waste Industry Group
 - h. California Resource Recovery Association
 - i. Councils of Government
 - j. American Public Works Association
 - k. Californians Against Waste and other Environmental Organizations
 - l. Product Stewardship Organizations
5. Enhance education and awareness of SWANA membership through presentation of a legislative and regulatory session at the Western Regional Symposium
6. Support and promote policies developed by SWANA International, such as T-31 Product Stewardship Policy, T-32 Policy on Solid Waste Disposal Ban and the “Pushing the Envelope” document.

IV. LOCAL CONTROL AND GOVERNMENT ORGANIZATION

- A. Goal:** Promote control (and reorganization as necessary) of solid waste policy and operations, at the lowest governmental level possible, commensurate with:
- Effective, certified staffing for all aspects of solid waste management
 - Cost-effectiveness
 - Environmental soundness
 - Reduced regulatory overlap and duplication
 - Maximum flexibility for optimized solutions
- B. Objectives/Action Items:**
1. Support legislation that would provide for greater local government representation on the CIWMB.
 2. Support efforts to eliminate overlap between Department of Conservation, Division of Recycling and CIWMB and/or consolidate its programs under CIWMB.
 3. Support efforts to eliminate overlap between the CIWMB and other CAL-EPA agencies and departments and oppose contradictory goals at state agencies.
 4. Support legislation and/or regulations that provide local government with the authority and means to achieve and fund mandated activities.
 5. Retain local authority to provide enforcement authority and DESIGNATE LEAs.
 6. Support equitable solutions to waste export issues and applicability of state tonnage fees on such waste to support CIWMB funding.

V. AB 939 MARKET DEVELOPMENT AND ECONOMICS

- A. Goal:** Encourage the State to consider economic impacts of AB 939 mandates, validity of

current solid waste hierarchy in light of industry and market changes and realistically assess the availability of current and future markets for recyclable materials.

B. Objectives/Action Items:

1. Support use of RMDZ funds to promote new and expanded markets, including conversion technologies.
2. Support legislation that would expand markets for diverted materials including the commercialization of conversion technologies.
3. Oppose legislation/regulations imposing further unfunded mandates.
4. Support legislation that would make state agencies and schools subject to the provisions and mandates of AB 939, including removal of “subject to funding limitations,” purchase of recycled content products, and the imposition of fines for noncompliance.

VI. IMPLEMENTATION AND OPERATION

A. Goal: Identify specific problems impacting SWANA membership; communicate with the Legislature and appropriate regulatory agencies to advocate solutions.

B. Objectives/Action Items:

1. Support legislation that would place greater emphasis on good faith efforts to implement SRREs approved by the CIWMB and less emphasis on diversion accounting for its own sake. Notify the CIWMB of cases in which local jurisdictions have followed model SRRE implementation to no avail.
2. Support efforts to provide local government with greater due process in any enforcement or other directed activity of the CIWMB.
3. Seek fair and equitable regulatory relief to exclude Class II waste from AB 939 disposal accounting system.
4. Support use of green and wood waste as a landfill alternative daily cover and the use of green and wood waste and other waste materials used in the construction and operation of landfills for full AB 939 diversion credit.
5. Actively participate in CIWMB process to review and update procedures, policies, guidelines, and advisories that affect local governments. Promote local government awareness of those same procedures, policies, guidelines, and advisories
6. Monitor issues that emerge out of locality-specific situations. Use LTF to analyze potential statewide impacts and broadly disseminate information, and assist as necessary. Also, solicit input from all California members prior to LTF meetings.