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PROGRAM MANAGER – MARY PITTO

MEMORANDUM

To: ESJPA Board of Directors
From: Mary Pitto
Program Manager *MP*
Date: August 10, 2010
Re: State Water Resources Control Board Waste Discharge Fee Proposal
Information Item

Due to a reported \$2.3 million shortfall (reduced funding from \$6.7 million/year to \$4.4 million/year – a 34% reduction) in the Integrated Waste Management Account (IWMA) funds sent to the SWRCB from Cal Recycle, the SWRCB proposed imposing a new Waste Discharge Requirement (WDR) fee on operating solid waste landfills for FY 2010-11. Since 1994, with the enactment of AB 1220 (Eastin, 1994) operating landfills have not been subject to such a fee. Instead, the regulatory activities of the SWRCB and the Regional Waster Control Boards (RWQCBs) related to solid waste landfills that pay into the IWMA (\$1.40/ton) have been covered by funding from the IWMA. The IWMA revenues have declined due to the recession and successful waste diversion efforts and as a result, CalRecycle has made an across the board cut in program expenditures including payments to the SWRCB. In response, the SWRCB is proposing to charge a new fee on operating landfills that will be assessed at 85% of the current SWRCB fee schedule for closed landfills. This new fee could range from \$2,000 to \$30,000 per landfill depending upon the potential threat and complexity of the landfill. If approved, this fee could be billed by the end of the calendar year.

The ESJPA joined the solid waste industry in meeting and voicing our concerns with both CalRecycle and SWRCB Executive Officers and submitted the industry letter to the budget subcommittees voicing our opposition to the fee increase. While we were not able to reverse the fee increase for the upcoming fiscal year, we have been successful in gaining two provisions to the budget, one that will help set the stage for next year's budget and the other will assist the solid waste landfill operators with their budget planning in 2011. The Budget Conference Committee adopted on a vote of 3 – 2 (Senate), 3 – 2 (Assembly) the State Water Resources Control Board provisions as follows:

1. Requiring the Water Board by March 1, 2011 to analyze and report on the costs of regulating active landfills, and
2. Requiring the Water Board to begin billing the permittees in the second half of the 2010 - 2011 fiscal year.

Contact your RWQCB staff to determine the ranking designation for your landfill(s). If your county is using other landfills, in and out of county, you should contact them to determine any potential fee increases.