

2011 Legislation

Position Letters Sent by RCRC on Solid Waste Related Bills

- AB 1149 Gordon Plastic Container Recycling Efforts (3/7/11 – support)
- SB 515 Corbett Recycling: product stewardship: batteries (3/14/11 – support)
- SB 833 Vargas Solid waste: facilities permit (4/11/11 -- oppose)

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March 7, 2011

The Honorable Rich Gordon
Member, California State Assembly
Room 5175, State Capitol
Sacramento, CA 95814

Re: Assembly Bill 1149 (Gordon) Plastic Container Recycling Efforts – SUPPORT

Dear Assembly Member Gordon:

On behalf of the thirty member counties of the Regional Council of Rural Counties (RCRC), I am writing to express our support for your Assembly Bill 1149 which would: 1) extend the sunset date for \$10 million from the Beverage Container Recycling Fund (commonly referred to as the Bottle Bill) to provide market development payments for empty plastic beverage containers until January 1, 2017; and, 2) refine the program to encourage more in-state development of plastic bottle recycling facilities.

RCRC is comprised of members of the Boards of Supervisors from our thirty member counties. These supervisors, through their solid waste managers, have been charged with ensuring that their respective counties meet state-imposed requirements to reduce the amount of waste that is disposed in California. California's Bottle Bill is a key component to meeting these requirements, particularly in rural counties. As such, RCRC priorities in Bottle Bill funding are payments for handling fees and the city/county payment.

In light of our priorities, RCRC recognizes the need to have beverage containers fully recycled/re-used in California rather than shipped to other parts of the county and other parts of the world. A way to stimulate and assist facilities located in California to recycle plastic beverage containers is to continue grants for several more years and provide encouragements for these funds to be used by in-state recyclers. For these reasons, we support Assembly Bill 1149.

If you should have any questions or concerns regarding RCRC's support of AB 1149, please do not hesitate to contact me.

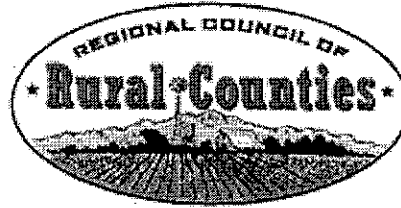
Sincerely,

PAUL A. SMITH

Senior Legislative Advocate

cc: The Honorable Wes Chesbro, Chair of the Assembly Natural Resources Committee
Members of the Assembly Natural Resources Committee

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May 6, 2011

The Honorable Ellen Corbett
Member, California State Senate
Room 313, State Capitol
Sacramento, CA 95814

Re: SB 515 (Corbett) Product Stewardship for Household Batteries - Support

Dear Senator Corbett:

On behalf of the thirty member counties of the Regional Council of Rural Counties (RCRC), I offer our support for your Senate Bill 515 which would require producers of household batteries to put forth an extended producer responsibility plan in order for those batteries to be offered for sale in California.

RCRC is comprised of members of the Boards of Supervisors from each of our thirty member counties. In addition, twenty-two RCRC member counties have formed the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) to provide assistance to solid waste managers in rural counties. These solid waste managers have been charged with ensuring that their respective counties meet the state-imposed waste handling requirements.

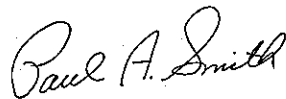
In 2006, the State Department of Toxic Substances Control ruled that all household batteries be classified as universal waste because they contain heavy metals, a corrosive electrolyte, or both and be banned from disposal in solid waste landfills, without having the proper infrastructure or funding in place to handle the products. As such, consumers can no longer dispose of their used household batteries in their trash or recycling bins and have virtually no way to easily discard these products. Instead, the majority of these products are now illegally dumped in landfills and the remainder show up at the doorsteps of jurisdiction sponsored household hazardous waste programs, municipal landfills, transfer stations, and/or private handling facilities. To properly manage and dispose of these products is a great expense to municipalities. Jurisdictions have reported that nearly 2.5 million pounds of batteries were collected in 2010 at an average cost of \$1.25 per pound; jurisdictions spent over \$3 million dollars to collect batteries in 2010. Local governments can no longer afford the costs to handle these items and/or ensure that these products are not disposed in the landfill.

SB 515 will create a system for battery recycling that will be easy for consumers to use while ensuring all parties in the product chain share in the responsibility to manage batteries. This approach will have state and local governments play a minimal role and allow the manufacturers, distributors, and retailers to devise a system that minimizes costs, promotes access, and ensures that these items are not discarded in landfills. It allows manufacturers of household batteries to design a system that works best for their business model while alleviating a significant financial burden to local governments.

It should be noted that in 2006, the Legislature enacted AB 1125 (Pavley) to require the manufacturers of rechargeable batteries to manage the end-of-life of these products. In turn the manufacturers have established a framework to ensure that consumers can have these products discarded with no cost to consumers. Rural county jurisdictions successfully utilize this service and envision this to be the model for household batteries.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

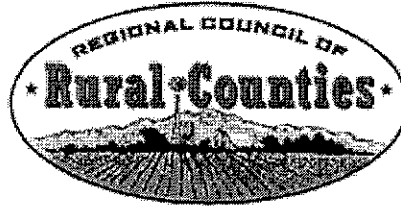
Sincerely,

A handwritten signature in cursive script that reads "Paul A. Smith".

PAUL A. SMITH
Senior Legislative Advocate

cc: Members of the Senate Appropriations Committee
Carol Mortinson

Alpine Amador Butte Calaveras Colusa
Del Norte El Dorado Glenn Imperial
Inyo Lake Lassen Madera Mariposa



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April 11, 2011

The Honorable Juan Vargas
Member, California State Senate
Room 3092, State Capitol
Sacramento, CA 95814

Re: Senate Bill 833 (Vargas) – OPPOSE

Dear Senator Vargas:

On behalf of the Regional Council of Rural Counties, we regret to inform you of our opposition to your Senate Bill 833 which would restrict the permitting of a solid waste disposal facility if it is near an aquifer or a Native American sacred site.

RCRC is comprised of members of the Boards of Supervisors from our thirty member counties. In addition, twenty-two RCRC member counties have formed the Rural Counties' Environmental Services Joint Powers Authority to provide assistance to solid waste managers in rural counties. These solid waste managers have been charged with ensuring that their respective counties meet state-imposed requirements and work closely with the staff of CalRecycle.

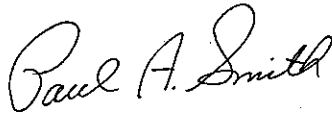
The Integrated Waste Management Act along with the Planning and Zoning Law and California Environmental Quality Act (CEQA) provide for an extensive process for the permitting of solid waste disposal facilities. The process used for siting these facilities is open to the public and allows for broad commentary from citizens. These statutes allow parties to challenge the environmental impact report, which would be required to be adopted. Furthermore, both Acts allow challenges to the permitting process when there are threats to drinking water or disturbances of sacred lands of Native Americans.

We recognize that landfills are not popular with nearby residents nor are they a desired land use. As such, RCRC supports efforts to reduce the amount of waste that is placed in landfills. However, the current process exists and allows for an exhaustive approach when an entity seeks to construct or expand a disposal facility. We believe SB 833 sets a dangerous precedent for the process of siting a landfill or any undesirable land use. Having legislation enacted each time there is an objection to a

proposal negates the current process the Legislature has created over the past forty years.

If you have any questions or concerns regarding our opposition to SB 833, please do not hesitate to contact me at 916-447-4806.

Sincerely,

A handwritten signature in black ink that reads "Paul A. Smith". The signature is written in a cursive style with a large, looping initial "P".

PAUL A. SMITH
Senior Legislative Advocate

cc: Members of the Senate Environmental Quality Committee
Consultant, Senate Environmental Quality Committee