



## Local Government Central

### Goal Measurement FAQ

---

Following are waste management and waste diversion questions most frequently posed to the Board by local government solid waste officials.

#### Overview

- What are the benefits of the new system?
- What is the 50 percent equivalent per capita disposal target?
- How do I explain to elected officials that “diversion rates” will no longer be used by CIWMB?
- What is compliance based on now?
- Can I compare my number to another jurisdiction?

#### Compliance

- Will CIWMB determine compliance with AB 939 based solely on an annual per capita disposal rate?
- Is a “Compliance Order” automatically assessed if my jurisdiction’s annual per capita disposal rate is more than its calculated 50 percent equivalent per capita disposal target?
- Did SB 1016 change the frequency of the Board review cycle?

#### Credit

- Will there still be a Biomass Credit?
- Can my jurisdiction still use transformation as a means to decrease its disposal rate?

#### Measurement

- What is the measurement?
- How will the CIWMB calculate a jurisdiction’s 50 percent equivalent per capita disposal target rate?
- How will the CIWMB calculate the industry employment 50 percent equivalent per capita disposal target rate?
- Can a jurisdiction calculate a diversion rate using the Adjustment Method after 2007?
- What if a city has typically used its county population for the diversion rate calculation—would it be able to continue to use countywide numbers in the per capita calculation?
- How would the 50 percent equivalent per capita disposal target be calculated for a jurisdiction that has a rural reduced goal?
- What can I do if I believe the annual per capita disposal rate does not accurately reflect my jurisdiction’s disposal reduction
- What can I do if landfill disposal data is flawed and impacts my per capita disposal number?
- Can a jurisdiction submit a new base year/generation study?

- If a jurisdiction established a new base year in 2004, which years does the Board use to calculate the equivalent per capita disposal rate?
- What about new cities and new regional agencies?
- If a Regional Agency changes its membership, how is the base calculation adjusted?

## **Reporting**

- How will the 2007 Electronic Annual Report (EAR) differ from prior reports?
- Do jurisdictions need to provide diversion data for their owned-and-operated diversion programs listed in the EAR?
- Can a jurisdiction submit a reporting year disposal modification request?
- Do I have to update my SRRE or HHWE if program changes take place?

## **Overview**

### **What are the benefits of the new system?**

Under the old system, calculating diversion rates was a time-consuming and lengthy process, and rates could not be finalized for several years after the fact. Diversion rates also were based on estimates of generation that often were inaccurate. The new system allows jurisdictions to see their progress in a timely manner. SB 1016 builds upon AB 939 by implementing a simplified and timelier indicator of jurisdiction performance that focuses on reported disposal at Board-permitted disposal facilities. Each jurisdiction will have its disposal indicator within 6-9 months instead of 18-24 months. This will allow jurisdictions to address program performance earlier.

### **What is the 50 percent equivalent per capita disposal target?**

The 50 percent equivalent per capita disposal target is the amount of disposal a jurisdiction would have had during the base period if it had been exactly at a 50 percent diversion rate. It is calculated using the average of 2003-2006 per capita generation for each jurisdiction. It then divides this generation average in half to determine the 50 percent equivalent per capita disposal target.

### **How do I explain to elected officials that “diversion rates” will no longer be used by CIWMB?**

Remember that disposing less generally means that you are diverting more! So now, you should be thinking that if your per capita disposal rate is less than your target, then that means you're doing a great job with your programs and that is great news! Under the old system, the objective was to be at or above a 50 percent diversion rate. Under the new system the objective is to be below your jurisdiction's 50 percent equivalent per capita disposal target. In cases where disposal does increase above your target, the Board will work with you to determine the cause(s) of disposal increase.

### **What is compliance based on now?**

SB 1016 does not change the 50 percent requirement in AB 939 —it just measures it differently. Compliance is the same under the new system as it was under the old system, except that the emphasis on program implementation is more explicit now. Under both systems, the most important aspect of compliance is program implementation. To evaluate compliance, the Board will look at a jurisdiction's per capita disposal rate as an indicator of how well its programs are doing to keep disposal at or below a jurisdiction's unique 50 percent equivalent per capita disposal target. But this number does not determine compliance. Compliance is based on the Board evaluating that a jurisdiction is continuing to implement the programs it chose and is making progress in meeting its target.

### **Can I compare my number to another jurisdiction?**

Remember that each jurisdiction is unique! Each one has its own 50 percent equivalent per capita disposal target, different demographics and industrial bases. You may be used to comparing your diversion rate with other jurisdictions in the region, but because the per capita disposal calculation is unique to each jurisdiction, it is impossible to compare targets and disposal rates across jurisdictions.

### **Back to Top**

### **Compliance**

#### **Will CIWMB determine compliance with AB 939 based solely on an annual per capita disposal rate?**

No. SB 1016 actually codifies how the Board historically has been reviewing jurisdictions' compliance by focusing on program implementation. The law states that an annual per capita disposal rate is not determinative of jurisdiction compliance. It is one factor the CIWMB will use to evaluate diversion program implementation. CIWMB Local Assistance and Market Development (LAMMD) staff will continue to review the implementation of those local programs that the jurisdiction has chosen, to determine if the jurisdiction has met the requirements of AB 939. In doing this, CIWMB will continue to rely on Annual Reports, staff jurisdiction visits and other information that the jurisdiction deems relevant to local program work. Furthermore, the Board will use each jurisdiction's per capita disposal rate to determine which cycle, either a four-year or two-year cycle, that each jurisdiction is in for the next Board review.

#### **Is a "Compliance Order" automatically assessed if my jurisdiction's annual per capita disposal rate is more than its calculated 50 percent equivalent per capita disposal target?**

No, the law states:

"It is the intent of the Legislature that the California Integrated Waste Management Board shall not consider a jurisdiction's per capita disposal rate to be determinative as to whether the jurisdiction has made a good faith effort to implement its source reduction and recycling element or its household hazardous waste element."

(emphasis added)

In cases where disposal does increase above your target, then the Board will work with you to figure out why. Compliance is based on the Board evaluating that a jurisdiction is continuing to implement the programs it chose and is making progress in meeting its target.

### **Did SB 1016 change the frequency of the Board review cycle?**

In some cases, yes.

For those jurisdictions that were below 50 percent in 2006, but were approved by the Board as having made a good faith effort in the 2005-06 Biennial Review, the Board review cycle remains on a two-year cycle. The next Board review for these jurisdictions will be conducted in 2010 and will cover the program reporting years of 2007-2009. Note: Due to the implementation timing of the legislation, the 2007 reporting year is included in the first two-year Board review cycle.

For those jurisdictions that were at or above a 50 percent diversion rate in 2006 and had implemented their programs and were approved by the Board in 2005-06 Biennial Review, they are now on a four-year Board review cycle. The next Board review cycle for these jurisdictions will be conducted in 2012 and will cover the reporting years of 2007-11. Note: Due to the implementation timing of the legislation, the 2007 reporting year is being included in the four-year Board review cycle.

For any jurisdictions that form a new regional agency after 2008, they may be on a four-year or two-year Board review cycle depending on the individual jurisdiction's Board review status for the 2005-06 review. For example, if a new regional agency forms after 2008 and if one of the jurisdictions in the regional agency were deemed as being good faith effort in the 2005-06 Biennial Review, then the regional agency would be on a two-year cycle initially. Therefore, their next Board review would be conducted in 2010. Please contact your LAMD representative to discuss your particular regional agency review cycle.

### **Credits**

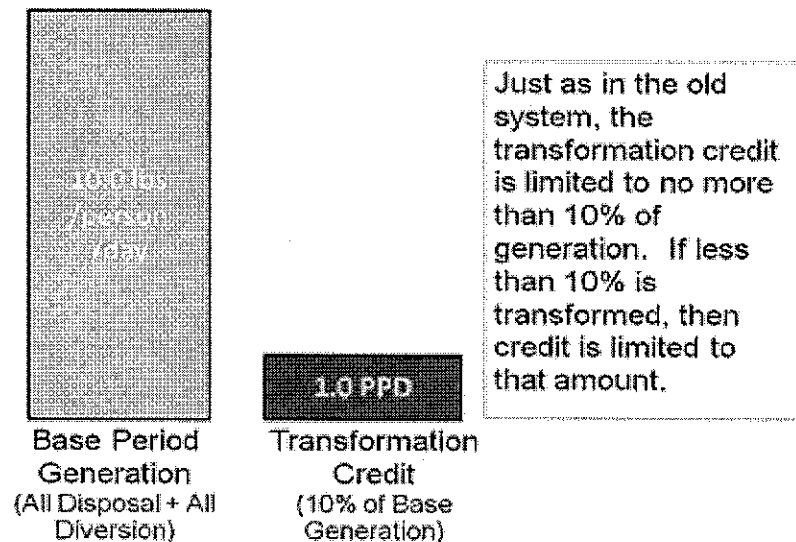
#### **Will there still be a Biomass Credit?**

Not as a separate calculation. However, because the annual per capita disposal rate is based on disposal tons, any biomass will not be reported as disposal. In other words, there is no cap on the amount of material a jurisdiction can send to biomass. Therefore, sending material to biomass will help to reduce disposal.

#### **Can my jurisdiction still use transformation as a means to decrease its disposal rate?**

Yes. The calculation under the new system maintains the credit from transformation. However, the way the credit is calculated has changed, as illustrated below. Under SB 1016, jurisdictions can claim no more than 10 percent of the average (2003 through 2006) calculated per capita generation tonnage.

### **[Back to Top](#)**



### What is the measurement?

Starting with the 2007 reporting year, the Board converts each jurisdiction's 50 percent diversion goal into a 50 percent equivalent per capita disposal target using a very simple mathematical equation. Then annually each jurisdiction's actual annual per capita disposal rate is compared to their 50 percent equivalent per capita disposal target. While the terminology is new and different, the concept remains simple. Under the new system, the objective is to be below the 50 percent equivalent per capita disposal target. It is important to understand the difference between the 50 percent equivalent per capita disposal target and the annual per capita disposal rate. See question to understand how this calculation is made.

### How will the CIWMB calculate a jurisdiction's 50 percent equivalent per capita disposal target rate?

The 50 percent equivalent per capita disposal target is the amount of disposal a jurisdiction would have had during the base period if it had been exactly at a 50 percent diversion rate. It is calculated using the average of 2003-2006 per capita generation for each jurisdiction. It divides this generation average in half to determine the 50 percent equivalent per capita disposal target. For a rural reduction, to calculate, instead of dividing by 2 (same as multiplying by 0.5), multiply by 1 minus the diversion percentage rate (example: 30 percent diversion rate, multiply by  $1 - 0.3$  or 0.7).

Note that per capita disposal uses only two factors: jurisdiction disposal and jurisdiction population. Disposal facility reports are provided quarterly to CIWMB. The Department of Finance reports annually on jurisdiction population.

### How will the CIWMB calculate the industry employment 50 percent equivalent per capita disposal target rate?

Industry employment will be calculated using the same method as the population 50 percent equivalent disposal target rate. However, since industry employment at the jurisdiction level is not available for years prior to 2005, employment and generation for the years 2005 and 2006 only will be used.

**Can a jurisdiction calculate a diversion rate using the Adjustment Method after 2007?**

Jurisdictions may estimate diversion rates for internal review purposes; however, beginning in measurement year 2007 the Board will not consider diversion rates. The CIWMB will continue to provide a blank calculator and a link to the adjustment factors for jurisdictions. However, Taxable Sales Deflator Index (TSDI) and Consumer Price Index (CPI) adjustment factors for the reporting year may not be available for a year or more after the measurement year.

**What if a city has typically used its county population for the diversion rate calculation—would it be able to continue to use countywide numbers in the per capita calculation?**

Jurisdictions may estimate diversion rates for internal review purposes; however, beginning in measurement year 2007 the Board will not consider diversion rates. The CIWMB will continue to provide a blank calculator and a link to the adjustment factors for jurisdictions. However, Taxable Sales Deflator Index (TSDI) and Consumer Price Index (CPI) adjustment factors for the reporting year may not be available for a year or more after the measurement year.

**What if a city has typically used its county population for the diversion rate calculation -- would it be able to continue to use countywide numbers in the per capita calculation?**

No. It must use jurisdiction specific population, or jurisdiction industry employment.

**How would the 50 percent equivalent per capita disposal target be calculated for a jurisdiction that has a rural reduced goal?**

The 50 percent equivalent per capita disposal target will be based on the rural reduced goal. For example, if a jurisdiction has a rural reduced goal of 35 percent, its target would be 65 percent of the per capita base generation (see the above question about calculations an example).

**What can I do if I believe the annual per capita disposal rate does not accurately reflect my jurisdiction's disposal reduction?**

It is important to note that the annual per capita disposal rate is not determinative of jurisdiction compliance. Since the per capita disposal rate is only one factor used to evaluate program implementation, your time and resources may be better spent on program implementation and monitoring activities. Both jurisdiction population and jurisdiction industry employment will be provided in the EAR. Please remember that these are just factors to consider and are not determinative of compliance. Section 41780.05(c), addresses this concern:

"(2) (A) If a jurisdiction is predominated by commercial or industrial activities and by solid waste generation from those sources, the CIWMB may alternatively calculate per capita disposal to reflect those differing conditions.

(C) The CIWMB shall calculate the per capita disposal rate for a jurisdiction subject to this paragraph using the level of industry employment in a jurisdiction instead of the level of population in a jurisdiction.

(3) If the CIWMB determines that the method for calculating the per capita disposal rate for a jurisdiction provided by paragraph (1) or (2) does not accurately reflect that jurisdiction's disposal reduction, the CIWMB may use an alternative method of calculating the per capita disposal rate that more accurately reflects the jurisdiction's efforts to divert solid waste."

Additionally, to address situations where the 50 percent equivalent per capita disposal target cannot be accurately determined or if the target is no longer representative of a jurisdiction's waste stream, LAMD staff will evaluate trends in the jurisdiction's per capita disposal rate. In the rare cases that these factors are not representative of changes in your jurisdiction, please explain other factors to your LAMD representative. In collaboration with the jurisdiction, LAMD staff will evaluate other per capita factors and the impact these have on the per capita disposal rate.

**What can I do if landfill disposal data is flawed and impacts my per capita disposal number?**

To ensure that jurisdictions may address misallocation issues, SB 1016 continues to allow verified disposal deductions. Jurisdictions should work closely with landfills and haulers to encourage accurate disposal reporting, and to put systems in place that discourage misreporting. In addition, some jurisdictions have formed regional agencies to eliminate misallocation problems that cannot be overcome in any other way. If misallocation issues continue, please discuss options with LAMD staff

**Can a jurisdiction submit a new base year/generation study?**

The Board will only accept new base year studies commenced prior to June 30, 2008. A jurisdiction may conduct a generation study for internal review purposes; however, the Board will not review it for compliance determination.

**If a jurisdiction established a new base year in 2004, which years does the Board use to calculate the equivalent per capita disposal rate?**

In this case, the jurisdiction's equivalent per capita disposal target will be calculated by using the average of 2004, 2005, and 2006 per capita disposal rates.

**What about new cities and new regional agencies?**

The Board will modify the method of calculating the 50 percent equivalent per capita disposal target for a jurisdiction to accommodate the incorporation of a new city, the formation of a new regional agency, or changes in membership of an existing member agency. This analysis is done on a case by case basis as is allowed by statute. Please contact your LAMD representative to discuss any new cities or regional agencies.

**If a Regional Agency changes its membership, how is the base calculation adjusted?**

SB 1016 specifically cites this instance as a special case. The calculation may use 2003-2006 generation numbers (using the base-years for all current members) and/or the year that best fits the current membership. A jurisdiction in this situation should contact its LAMD representative to discuss the options.

## **Back to Top**

## **Reporting**

### **How will the 2007 Electronic Annual Report (EAR) differ from prior reports?**

The primary change is a disposal per capita calculation rather than a diversion percentage calculation. The EAR will provide the 50 percent equivalent per capita disposal target and calculate per capita disposal based upon industry employment and population for each jurisdiction. Other minor EAR changes will be posted with an explanation on the web. Additionally, webinars will be held to demonstrate how the EAR works. NOTE: It is important to continue providing venues and events recycling information.

### **Do jurisdictions need to provide diversion data for their owned-and-operated diversion programs listed in the EAR?**

This remains optional; it has never been mandatory to provide this data.

### **Can a jurisdiction submit a reporting year disposal modification request?**

Yes. The disposal modification process is unchanged. Disposal modification requests should be submitted at the same time as the EAR or no later than the EAR submittal deadline.

### **Do I have to update my SRRE or HHWE if program changes take place?**

No. Jurisdictions can continue to update their program implementation efforts in the EAR. The EAR contains all of your SRRE/HHWE programs and notes. Additionally, the EAR contains programs that have been added as alternative programs. If programs no longer apply or if new programs have been added, please explain these changes in the SRRE/HHWE Program section of the EAR.

<http://www.ciwmb.ca.gov/LGCentral/GoalMeasure/FAQ.htm>