

2009 Legislation

Position Letters Sent by RCRC on Solid Waste Related Bills

- AB 1343 Huffman Architectural Paint Recovery Program – support (7/13/09)
- SB 25 Padilla Solid Waste : diversion – joint oppose (7/1/09)

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



Modoc Mono Napa Nevada Placer Plumas
San Benito San Luis Obispo Shasta Sierra
Siskiyou Sutter Tehama Trinity Tuolumne

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July 13, 2009

The Honorable Jared Huffman
Member of the State Assembly
State Capitol, Room 3120
Sacramento, CA 95814

Re: Assembly Bill 1343 (Huffman) – Architectural Paint Recovery Program

Dear Assembly Member Huffman:

On behalf of the thirty member counties of the Regional Council of Rural Counties (RCRC), I offer our support for your Assembly Bill 1343, which creates an Extended Producer Responsibility (EPR) program for unwanted paint in California.

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 (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 requirements.

Paint is one of the largest waste stream items managed by local government household hazardous waste programs and costs millions of dollars annually in taxes and refuse rates. RCRC believes we need to shift California's product waste management system from one focused on government-funded and ratepayer-financed waste diversion to one that relies on producer responsibility, in order to reduce public costs and drive improvements in product design that promote environmental sustainability. We strongly support AB 1343 because it now implements an EPR framework for paint.

Based on the language from the June 24th amendments, AB 1343:

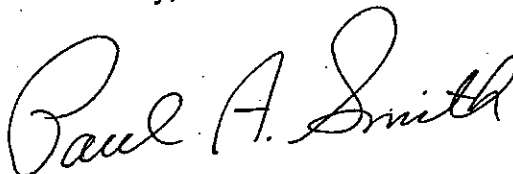
- Establishes a producer financed and managed paint stewardship program, encompassing both source reduction and paint recovery, and alleviating the State and local governments of the financial burdens associated with paint management.

- Mandates participation by all producers to ensuring a level playing field.
- Authorizes state oversight and enforcement, with costs reimbursed to the State by producers.
- Grants flexibility for producers by allowing them to design their own stewardship program, but assures a meaningful program by requiring State approval of the plans.
- Ensures transparency through the annual reporting requirement.

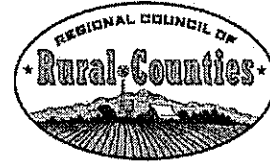
AB 1343 represents an EPR program that carefully addresses the needs and goals of all affected parties, including consumers, local governments, manufacturers, and retailers.

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

Sincerely,

A handwritten signature in black ink that reads "Paul A. Smith". The signature is written in a cursive, flowing style.

PAUL A. SMITH
Senior Legislative Advocate



July 1, 2009

The Honorable Nancy Skinner, Chair
Assembly Natural Resources Committee
California State Capitol, Rm 4126
Sacramento, CA 95814

**RE: SB 25 (Padilla) – Solid Waste
As Amended 5/25/09 – OPPOSE
Set for hearing on July 6, 2009 – Assembly Natural Resources Committee**

Dear Assembly Member Skinner:

On behalf of the Regional Council of Rural Counties (RCRC), the League of California Cities (the League), the California State Association of Counties (CSAC), and the Solid Waste Association of North America (SWANA), we write to respectfully express our "oppose" position on Senate Bill 25, authored by Senator Alex Padilla. We have concerns with a number of components this measure addresses with respect to managing our state's solid waste.

Cities and counties have made significant strides in implementing programs for the state-mandated diversion requirements of solid waste from landfills. Collectively, our state now exceeds the required 50% goal that was established many years ago. Despite these efforts and positive results, we oppose efforts to further increase the diversion requirements upon jurisdictions. In addition to the implementation of SB 1016 which recalculates the method the Waste Board uses to assess a jurisdiction's amount of waste 'diverted' from landfills, local governments are struggling with the down turn in the recycling markets. In essence, the demand for recyclable materials has softened and, as such, waste haulers, landfill operators, and local governments are retaining these materials. This will soon impact our diversion efforts. Furthermore, efforts to further increase diversion rates are costly both to local governments and those who generate waste. With local governments facing severe and unprecedented financial challenges, we believe it is the wrong time to further increase jurisdictional diversion requirements.

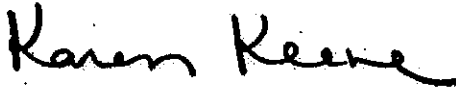
Furthermore, we must object to increasing the state's per-ton disposal fee. As proposed, SB 25 would increase the tipping fee from the current \$1.40 per ton to \$2.13. As just referenced, given the economic and fiscal climate, we stress that this is the wrong time to be increasing these fees.

Finally, we are also opposed to the proposed commercial recycling mandate that would require cities and counties to adopt and enforce a commercial recycling ordinance. The California Air Resources Board (CARB) is working with the Integrated Waste Management Board (IWMB) in collaboration with the Institute for Local Government to develop a voluntary model commercial recycling ordinance for local governments. Cities and counties support this effort and view it as the appropriate method to address commercial recycling.

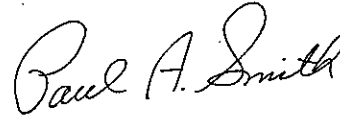
Local governments simply do not have the financial means at this time to accept any additional unfunded mandates.

For these reasons, we must respectfully oppose SB 25. If you should have any questions regarding our position, please feel free to contact any one of us.

Sincerely,



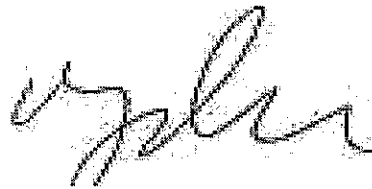
Karen Keene
Senior Legislative Representative, CSAC



Paul Smith
Senior Legislative Advocate, RCRC



Kyra Ross
Legislative Representative, LCC



Paul Yoder
Legislative Advocate, SWANA

cc: Members, Assembly Natural Resources Committee
Elizabeth MacCillan, Assembly Natural Resources Consultant
John Kennedy, Assembly Republican Caucus