

## 2010 Legislation

### Position Letters Sent by RCRC on Solid Waste Related Bills

- SB 1100 Corbett Product stewardship: household batteries (support 3/30/10)
- AB 2139 Chesbro Solid Waste: product stewardship (support 3/30/10)
- AB 2562 Fuentes Hazardous material: landfill gas (support 5/3/10)
- AB 2137 Chesbro Fertilizing material: labels (support 5/7/10)



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March 30, 2010

The Honorable Ellen Corbett  
Member of the State Senate  
Room 5108, State Capitol  
Sacramento, CA 95814

**Re: SB 1100 (Corbett) Product Stewardship for Household Batteries - Support**

Dear Senator Corbett:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I offer our support for your Senate Bill 1100, 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-one 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 household batteries be banned from disposal in traditional landfills. As such, consumers can no longer dispose of their used household batteries in their weekly garbage and have virtually no way to easily discard these products. Instead, the vast majority of these products now show up at the doorsteps of municipal landfills (both traditional and those that accept household hazardous waste), transfer stations, and/or private handling facilities. These products are then handled at great expense to municipalities in efforts to either dispose at a household hazardous waste facility or be shipped out-of-state.

SB 1100 requires a number of conditions upon manufacturers of household batteries before it is legal to sell their products in California. They include:

- Requires manufactures to submit a stewardship plan to the Department of Resources Recycling & Recovery by September 30, 2011.

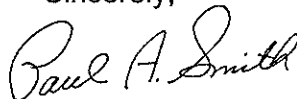
- After January 1, 2012, requires manufactures to have a Department-approved stewardship plan before these products are made available to consumers.
- Consultation with stakeholders in the development of a stewardship plan.
- Key components of a stewardship plan must include a financing plan, education and outreach, collection rate attainment, and contact information for participating producers.
- Preparing annual reports to work towards collection rate goals
- Establishing collection rate goals – 50% by 2014 and 70% by 2017. Once a 95% collection rate is attained, producers would no longer pay the annual fee associated with filing an annual report.

RCRC recognizes that producers may have difficulty adhering to the collection rate goals outlined in SB 1100; however, it should be noted that there is a 100% ban on these products from entering landfills. Local governments can no longer afford the costs to handle these items and/or ensure that these products are not disposed in the landfill.

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. 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.

RCRC appreciates your sponsoring this much-needed legislation and looks forward to working with you, your staff, and other supporters to ensure this measure becomes law. If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

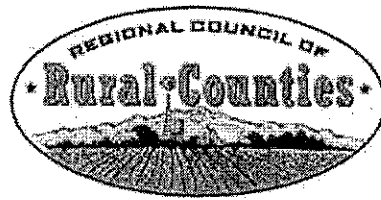
Sincerely,



PAUL A. SMITH  
Senior Legislative Advocate

cc: The Honorable Joe Simitian, Chair, Senate Environmental Quality Committee  
Members of the Senate Environmental Quality Committee

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March 30, 2010

The Honorable Wes Chesbro, Chair  
Member of the State Assembly  
Room 2176, State Capitol  
Sacramento, CA 95814

**Re: AB 2139 (Chesbro) California Product Stewardship Act –Support**

Dear Assembly Member Chesbro:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I offer our support for your Assembly Bill 2139, which would create an extended producer responsibility scheme upon producers of medical sharps, residential pesticide containers, small propane tanks, personal butane lighters, and single-use food packaging.

RCRC is comprised of members of the Boards of Supervisors from thirty-one California counties. Twenty-two of these RCRC member counties have formed the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) in order 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 diversion requirements.

In 1989, the Legislature adopted AB 939, which placed responsibility for solid waste on local governments. It also established a waste hierarchy: reduce, reuse, then recycle and compost. As a state, we have focused heavily on recycling since AB 939 was first enacted and have managed to reach the 50% diversion goal. Yet waste generation in California continues to climb, making it difficult for local governments to meet any increased diversion requirements. Today, 75% of the waste in the United States is from products. Local governments alone simply do not have the tools or resources to address the growing product waste problem, especially those products banned from disposal because of toxicity, which makes them very expensive to manage as household hazardous waste. AB 2139 addresses source reduction by getting to the root of our product waste problem – the producers who design, manufacturer and package products.

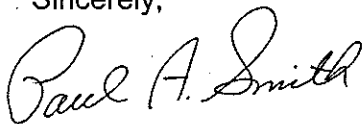
RCRC is partnering with other local government entities and the California Product Stewardship Council in working towards a single mission: to shift California's inefficient product waste management system from one that is focused on government-funded and ratepayer-financed waste diversion to one that relies on producer responsibility in order to reduce public costs and promote environmentally sustainable product design.

AB 2139 requires manufacturers to submit a stewardship plan to the Department of Resources Recycling & Recovery by September 30, 2011. After January 1, 2012, this bill requires manufactures to have a Department-approved stewardship plan before these products are made available to consumers. In short, AB 2139 would improve product design, encourage reuse and recycling, and provide convenient collection alternatives for consumers rather than overloading local government-funded programs.

AB 2139 envisions a program funded/operated by the private sector with limited governmental involvement, thereby saving money for both state and local governments. As such, we believe that although this bill only applies to a small number of products types, it is one of the most important pieces of solid waste legislation the Legislature will consider this year.

RCRC appreciates your authoring this much-needed legislation and looks forward to working with you, your staff and other supporters to ensure this measure becomes law. 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: The Honorable Nancy Skinner, Chair of the Assembly Natural Resources Committee  
Members of the Assembly Natural Resources Committee

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May 3, 2010

The Honorable Felipe Fuentes  
Member, California State Assembly  
Room 2114, State Capitol  
Sacramento, CA 95814

**Re: Assembly Bill 2562 – Support**

Dear Assembly Member Fuentes:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I offer our "Support" for your Assembly Bill 2562, which applies the restrictions on the sale of methane gas that may possess vinyl chloride to only Class I hazardous waste landfills.

RCRC is comprised of members of the Boards of Supervisors from each of our thirty-one member counties. In addition, twenty-two member counties have formed a joint powers authority to address solid waste issues for our respective counties. In many cases, these counties operate municipal waste disposal landfills and household hazardous waste collection programs.

Independent studies of landfill gas conducted by credible organizations have demonstrated that pipeline biomethane derived from landfill gas created by commonly used gas processing technologies does not contain vinyl chloride at levels that pose any significant health risk. Thus, a more effective utilization of biomethane will assist California in achieving its climate change objectives, since the capture and beneficial use of landfill gas has the largest impact on reducing greenhouse gases of any alternative energy resource.

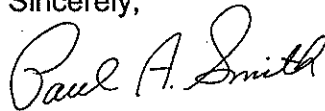
California has the largest amount of landfill gas resource in the United States. Unfortunately, a large portion is being wasted due to tight air emission regulations that prevent its onsite use to produce electric power. The existing application of Health & Safety Code Sections 25420 – 25422 has become a practical prohibition on landfill gas-to-pipeline projects. The law conflicts with the California Energy Commission's Renewable Portfolio Standard Eligibility Guidebook which specifically authorizes the inclusion of biogas (such as landfill gas) into a pipeline and burned in a multi-fuel generating facility. No other state has provisions that regulate in any manner vinyl

chloride in landfill gas. We believe it is inappropriate to apply the provisions of Health & Safety Code to landfills in California other than Class I hazardous waste landfills.

The adoption of AB 2562 will support the creation and maintenance of many more renewable energy jobs in California, since the construction and operation of landfill gas-to-pipeline quality biomethane projects are more labor intensive than electric power projects or other beneficial uses of landfill gas. It will also result in increased revenues from pipeline biomethane projects.

RCRC appreciates your authorship of this legislation and looks forward to this measure becoming law. 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 style with a large, looped initial "P".

PAUL A. SMITH  
Senior Legislative Advocate

cc: The Honorable Pedro Nava, Chair of the Assembly Environmental Safety & Toxic  
Materials Committee  
Members of the Assembly Environmental Safety & Toxic Materials Committee



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May 7, 2010

The Honorable Wes Chesbro  
Member of the State Assembly  
Room 2176, State Capitol  
Sacramento, CA 95814

**Re: Assembly Bill 2137 – Composting – Labeling Notices**

Dear Assembly Member Chesbro:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I offer our "Support" for your Assembly Bill 2137, which addresses the issue of labeling solid waste compost materials which are made available for sale and use.

RCRC is comprised of members of the Boards of Supervisors from thirty-one California 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 state-imposed requirements to reduce the amount of waste that is disposed in California.

Rural counties have made significant strides in implementing programs for the diversion of solid waste from landfills. Collectively, our state exceeds the required 50% goal that was established many years ago. Despite these efforts, we still need to find better ways to divert waste materials, particularly organic wastes. One such way to reduce the amount of organic waste being disposed in landfills is use it as feedstock for compost. However, for this to work, adequate compost markets must be created and/or maintained.

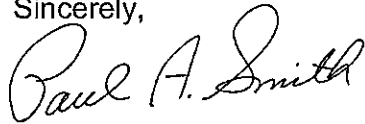
One of the deterrents for those purchasing compost is the inadequacy of knowing exactly what nutrient value exists in a batch. Unfortunately, laboratory analyses of a batch are not always accurate, especially over a brief period of time, due to the evolving nature of these materials. To address this concern but at the same time ensure that compost can continue to be a valued commodity, AB 2137 allows the labeling of a compost product to not include a certified laboratory analysis provided a disclaimer is made to the purchasers. The disclaimer provides the purchaser of a compost product to

be aware that it is an ever-changing product and it may vary from the most recent laboratory analysis.

RCRC supports AB 2137 for two important reasons. First, it removes an impediment to developing markets for compost. Second, it ensures that purchasers of compost are made aware that they should not rely solely on a certified laboratory analysis as a guarantee of the product due to its changing character.

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". The signature is written in black ink and is positioned above the printed name.

PAUL A. SMITH  
Senior Legislative Advocate

cc: The Honorable, Dean Florez, Chair of the Senate Food & Agriculture Committee  
The Honorable Kim Vann, Member of the Colusa County Board of Supervisors  
The Honorable Anthony Bothelo, Members of the San Benito County Board of Supervisors