

2010 Legislation

Position Letters Sent by RCRC on Solid Waste Related Bills

- AB 737 Chesbro Solid waste: diversion (support 6/25/10)
- SB 26 Simitian Household hazardous waste: collection: small quantity (support 6/21/10)
- SB 1100 Corbett Product stewardship: household batteries (support 6/15/10)
- SB 1326 Oropeza Solid waste: tires (oppose 6/30/10)

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June 25, 2010

The Honorable Christine Kehoe, Chair
Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

Re: Assembly Bill 737 (Chesbro) – SUPPORT

Dear Senator Kehoe:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I offer our "support" for Assembly Bill 737 relating to increasing California's diversion of solid waste from landfills.

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 solid waste that is disposed in California.

Local jurisdictions 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. AB 737 increases the solid waste diversion rate as a statewide goal and not as a local government mandate. We believe this will compel state officials to devise the needed tools, such as extended producer responsibility, to achieve this important waste reduction goal.

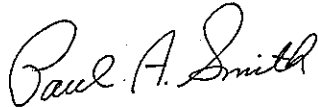
In addition to increasing the statewide solid waste diversion goal to 75%, AB 737 includes a provision to mandate commercial recycling. Over the past several months, RCRC has been working with the staff of CalRecycle to craft regulatory efforts to increase recycling from the state's businesses. During those discussions, we have impressed upon regulatory officials that rural county governments must have flexibility in implementing ways to increase recycling from businesses. Furthermore, we requested that any regulatory package be sensitive to the current business climate. We understand the impetus for this proposed package is the California Air Resources

Board's desire to reduce greenhouse gas emissions. Nevertheless, we believe the current draft achieves several goals: flexibility, economic sensitivity, and increasing the amount of solid waste diverted from landfills.

RCRC believes that AB 737, as recently amended, mirrors the current efforts of CalRecycle. While a mandatory commercial recycling effort will be imposed, we believe the structure of this imposition provides flexibility to both local governments and businesses. RCRC recognizes that these are difficult times for businesses located throughout the state. Nevertheless, AB 737 and the regulations now being crafted at CalRecycle reflect an understanding that efforts to reducing waste disposed in landfills must contain flexibility.

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 Wes Chesbro, Member, California State Assembly
Members of the Senate Appropriations Committee

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June 21, 2010

The Honorable Pedro Nava, Chair
Assembly Environmental Safety &
Toxic Materials Committee
Room 2148, State Capitol
Sacramento, CA 95814

Re: Senate Bill 26 (Simitian) – SUPPORT

Dear Assembly Member Nava:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I offer our "support" for Senate Bill 26, which relates to household waste.

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 handle a variety of solid waste materials that are disposed in California.

Senate Bill 26 would remove a barrier to the safe and efficient management of unwanted latex paint by allowing permitted household hazardous waste programs to accept increased amounts of latex paint. Latex paint is a significant portion of hazardous wastes collected and this bill would provide a valuable tool for proper management of small business wastes.

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 Joe Simitian, Member of the State Senate
Members, Assembly Environmental Safety & Toxic Materials Committee
Consultant, Assembly Environmental Safety & Toxic Materials Committee

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June 15, 2010

The Honorable Pedro Nava, Chair
Assembly Environmental Safety &
Toxic Materials Committee
1020 "N" Street, Room 171
Sacramento, CA 95814

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

Dear Assembly Member Nava:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I offer our support for Senate Bill 1100, authored by Senator Ellen Corbett, 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 that a number of conditions be placed upon manufacturers of household batteries before it is legal to sell their products in California. They include:

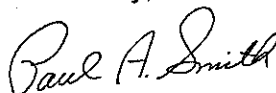
- Requires manufacturers or a hazardous waste transporter to submit a stewardship plan to the Department of Resources Recycling & Recovery by September 30, 2011.
- After January 1, 2012, requires manufacturers or a hazardous waste transporter to have a Department-approved stewardship plan before these 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.

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 Ellen Corbett, Member of the State Senate
Members of the Assembly Environmental Safety & Toxic Materials Committee

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June 30, 2010

The Honorable Jenny Oropeza
Member, California State Senate
State Capitol, Room 5114
Sacramento, CA 95814

Re: Senate Bill 1326 – OPPOSE

Dear Senator Oropeza:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I respectfully must express our "opposition" to your Senate Bill 1326, which was recently amended to require local jurisdictions, when applying for a Local Government Waste Tire Cleanup and Amnesty Event Grant (waste tire grants) through the Department of Recycling and Recovery (CalRecycle), to notify a local community conservation corps and invite them to assist in servicing that grant.

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 solid waste that is disposed in California.

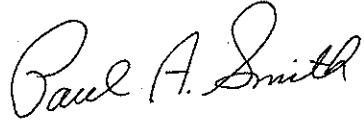
Many individual rural counties pursue waste tire grants. In addition, our ESJPA pursues and administers waste tire grants on behalf of several member counties. This grant program has been a valuable tool in reducing or diverting the numbers of used tires from being stockpiled, illegally dumped, or placed in a landfill when there are other recycling alternatives. Our counties use a variety of personnel to conduct the work, including their own personnel, a local community conservation corps, county inmate crews, and CalFire inmate crews. Unfortunately, we view SB 1326 as mandating a particular work-force option that may or may not be the best fit for a local agency to service a waste tire grant.

RCRC recognizes and applaud your efforts to ensure that local community conservation corps remain viable in the communities they serve throughout California. And, we recognize the need to provide individuals within local community conservation

corps with opportunities to gain valuable skills while performing valuable public service. However, our counties believe it is important to retain flexibility to best maximize our grants in order to fulfill the mission of reducing unwanted used tires from being deposited where they should not be.

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 Felipe Fuentes, Chair of the Assembly Appropriations Committee
The Honorable Wes Chesbro, Chair of the Assembly Natural Resources
Committee
Members of the Assembly Appropriations Committee