



Rural Counties
Environmental Services
Joint Powers Authority

ESJPA

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PROGRAM MANAGER – STACI HEATON

Mr. Tim Hall
Materials Management and Local Assistance Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812

Transmittal Via E-mail: timothy.hall@calrecycle.ca.gov

RE: Comments on the Senate Bill 1383 Local Services Rates Analysis Draft Report

Dear Mr. Hall:

On behalf of the 24-member Rural Counties' Environmental Services Joint Powers Authority (ESJPA), thank you for the opportunity to provide comments on the SB 1383 Local Services Rates Analysis Draft Report. Our members represent Boards of Supervisors, Public Works Directors, Solid Waste Managers, and Recycling Coordinators. Our members are responsible for operating or overseeing their jurisdictions solid waste operations.

The purpose of this report is to provide information regarding the cost impacts of SB 1383 to local jurisdictions, which are tasked with enforcing most of the provisions of the law. While we appreciate the information in the report, there are several areas where the report is lacking or superficial especially related to rural jurisdictions. These areas are discussed by topic.

Overview

The report does not adequately discuss the impact of service rates related to mandatory procurement, enforcement, and edible food implementation. All of these activities will require significant costs to jurisdictions.

Mandatory organics collection versus self-haul

Although the report mentions the allowance for self-hauling of organics, the concept is not analyzed as an option and the report focuses on mandatory collection options. While achieving full compliance with the mandates of SB 1383 are difficult without some form of mandatory collection, SB 1383's proposed regulations do not mandate

mandatory collection throughout a jurisdiction. Many rural areas have mandatory collection in the more populated areas, but mandatory collection of even a one cart service is a fiscally irresponsible option in remote areas. Self-hauling of solid waste is an essential option that will still be in place and is recognized in SB 1383 proposed regulations as an option for organics. There is essentially no analysis in the report addressing service rates for self-haul at solid waste facilities where the fees will be assessed.

Rate increases

The report acknowledges the need for significant rate increases but does not acknowledge the disproportionate impact rate increases have on rural areas when costs of service are spread over a much smaller population. The report's Major Findings section acknowledges that rate increases are unpopular with ratepayers. The report also states that "Elected officials and rate-payers may not understand the health, environmental, and economic benefits of diverting organics from landfills to recovery activities like composting and anaerobic digestion". This statement is misleading. Elected officials are challenged with weighing the benefits of solid waste and organics services against essential public services. Presentations have already occurred in our rural areas on the upcoming SB 1383 regulations and elected officials have asked how to evaluate the significant cost increases related to organics service against demands for funding law enforcement, roads, health, and other services. Recent experiences with the closure of beverage container collection sites has tainted the public on solid waste diversion.

Illegal dumping

The report does not discuss incorporation of funding for the anticipated increase in illegal dumping that results whenever solid waste rates are increased. Illegal dumping is a significant issue in rural areas since there is significant open areas. The costs to address illegal dumping should be discussed in the report.

Edible Food Analysis

The report indicates in section 1.05 that it did not address edible food recovery. The cost of edible food recovery will be significant especially to the food banks and other providers due to the need for transportation of edible food, collection, and storage especially the purchase of the needed refrigeration equipment. Jurisdiction's environmental health departments' inspection and enforcement roles will be significantly expanded under the edible food requirement and the report does not provide any analysis on the associated costs of these services to jurisdictions and the edible food providers.

Proposition 218

The report discusses the mechanics of the Proposition 218 process but provides no analysis on situations where rate increases are not subject to Proposition 218 review. There is mention that a proposed fee can be challenged under Proposition 218 but there is no discussion on what options are available if a challenge is successful. Case law is not well established on when Proposition 218 is required or not required. One of our rural areas experienced a successful Proposition 218 challenge to a proposed rate and thus the proposed service was not implemented. Non-implementation of a required SB 1383 service

is not an option. The report needs to have a discussion of this situation and direct jurisdictions on how to proceed.

Capacity planning

The report acknowledges the need for capacity planning by a jurisdiction. Existing organic facilities are limited, especially in rural areas. Many facilities are competing for the same limited capacity. The report acknowledges that additional capacity is needed but it does not address how a jurisdiction will address this problem within the allowable SB 1383 time frame.

Funding

Funding SB 1383 mandates is a critical component. The report provides some discussion of options for funding but there is minimal analysis on how limited the available funding opportunities are to jurisdictions and the timing to obtain those funds. There is insufficient grant or loan funding available to serve the state. Applying for any type of funding will take considerable time and many grant and loan funds are only released in limited cycles of application. Even if a jurisdiction or its contractor is successful in application for grants or loans or any other financing there is insufficient time to secure financing, and then contact for and build facilities in order to meet the SB 1383 implementation schedule. The report needs to discuss and analyze this reality.

ESJPA appreciates the efforts of CalRecycle to provide analysis and assist local jurisdictions as we prepare to implement this overwhelmingly large-scale program. We remain dedicated to working collaboratively to find a reasonable and responsible way to move forward in meeting our goals.

Please do not hesitate to contact me at sheaton@rcrcnet.org or (916) 447-4806 if you have any questions or want to discuss any our comments further.

Sincerely,

A handwritten signature in black ink, appearing to read "Staci Heaton". The signature is fluid and cursive, with a large loop at the end.

Staci Heaton
ESJPA Program Manager