



LOS ANGELES COUNTY  
SOLID WASTE MANAGEMENT COMMITTEE/  
INTEGRATED WASTE MANAGEMENT TASK FORCE  
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GAIL FARBER, CHAIR  
MARGARET CLARK, VICE-CHAIR

September 19, 2011

The Honorable Edmund G. Brown Jr.  
Governor, State of California  
State Capitol Building  
Sacramento, CA 95814

Dear Governor Brown:

### **ASSEMBLY BILL 341 (Chesbro) - SOLID WASTE: DIVERSION**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) has reviewed Assembly Bill 341 (AB 341) and **respectfully requests** that you **veto** this bill. The Task Force opposes AB 341 for the following reasons:

- **AB 341 limits options for increasing waste diversion from landfills.** By limiting California waste management diversion options only to source reduction, recycling, and composting, the bill without any consideration to lifecycle analysis excludes innovative techniques, such as conversion technologies, from being utilized to achieve diversion goals of 75 percent or higher. While the Task Force supports increasing diversion from landfills, jurisdictions and businesses in California need to be allowed to use all environmentally safe and economically sound tools available to achieve these goals. This would help ease the burden of the unfunded mandate being placed on them given their limited resources and economic conditions.
- **AB 341 duplicates mandatory commercial recycling regulations that are already being developed under Assembly Bill 32 (AB 32) (2006)** while imposing on local governments the expanded burden of implementing, monitoring, and enforcing the program—an additional unfunded mandate.
- **AB 341 allows solid waste facilities to increase their tonnage limits without proper environmental review.** While solid waste facilities are needed for jurisdictions to achieve their waste management goals, the facilities' operations may cause odors, dust, traffic congestion, noise, and other environmental impacts on adjacent communities within and/or outside the host jurisdiction. The bill would allow these facilities to increase their tonnage limits without consideration of the foregoing,

which may negatively impact the health and well-being of neighboring residents and communities. This weakening of environmental and regulatory oversight of solid waste facilities is extremely troublesome, totally unjustifiable, and especially unnecessary since, with the exception of composting in the urbanized areas, California already has abundant solid waste facility capacity. For example, large-volume transfer/processing capacity in Los Angeles County already exceeds 70,000 tons per day.

- **AB 341 removes the local task force review for amendments to non-disposal facility elements (NDFEs).** The proposal would repeal the California Integrated Waste Management Act's requirements for a local task force to review NDFE amendments for consistency with countywide waste management plans and potential region-wide impacts, thus significantly reducing local authority's ability to ensure a coordinated and environmentally sound solid waste management system.
- **AB 341 completely fails to address the needed infrastructure and markets to handle recovered recyclable materials/goods** for reuse and/or their use as raw materials to produce new products in California. While AB 341 would legislatively (a) mandate the implementation of commercial recycling programs on local governments that would expand recovery/supply of recyclable materials, (b) provide for solid waste facilities to increase their tonnage limits without proper environmental review and public input, and (c) remove local task force review and input from the NDFE development/amendment process, it fails to recognize that recycling is sustainable only when there are sufficient markets for the goods recovered. Otherwise, California will continue to ship most of its recovered recyclable materials/goods (approximately over 70 percent of the total) and jobs to China and other Pacific Rim countries where environmental laws and regulations are either not in place or are significantly below those currently being enforced in California.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

While the Task Force is in support of increased diversion from landfills, this bill's proposed 75 percent diversion "policy goal" would be burdensome, both logistically and financially, given the language specifying the goal can only be achieved through "source reduction, recycling, or composting." Without any consideration for alternatives to recycling and composting processes such as conversion technologies or other strategies such as extended producer responsibility, the bill does not provide jurisdictions and businesses with any of the tools they need to achieve and sustain the desired diversion rates. Also, since the required Legislative report by CalRecycle is limited to only source reduction, recycling, and composting options, any recommended legislative changes to achieve the higher diversion goals would be similarly limited. Any serious attempt to achieve diversion rates of 75 percent and higher that disallows available, proven alternative methods would inevitably place a significant financial impact on local governments (an unfunded state mandate) and their residents and businesses.

The provisions of AB 341 imposing mandatory commercial recycling and higher diversion rates fail to address the needed infrastructure within California to transform into usable products the recyclable materials collected through source-separation practices and/or at materials recovery facilities (MRFs). Otherwise, as is the current practice, a majority of the collected recyclable materials (estimated to be around 70 percent) will continue to go to China and other Pacific Rim countries where there are few environmental controls or will simply be landfilled due to a lack of markets.

Since the State is already implementing mandatory commercial recycling through regulations under the authority of AB 32, AB 341's mandatory commercial and multifamily recycling provisions are duplicative of existing regulations and statute. Furthermore, while the ongoing rulemaking process provides opportunities for stakeholders to voice their concerns with the proposal and offer alternative approaches to improve the final product, the amendments made to AB 341 on September 2, 2011, would circumvent this process and codify into law a number of provisions in the draft regulations that are of a major concern to local governments, including but not limited to, implementation, monitoring, and enforcement cost (a State unfunded mandate); a lack of markets for collected recyclables; how compliance with the regulations will be enforced by the State; and the clarity of regulatory definitions.

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For the foregoing reasons, the Task Force **respectfully requests your “nay” on AB 341.** If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147 or [MikeMohajer@yahoo.com](mailto:MikeMohajer@yahoo.com).

Sincerely,



Margaret Clark, Vice-Chair  
Los Angeles County Solid Waste Management Committee/  
Integrated Waste Management Task Force and  
Council Member, City of Rosemead

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cc: Gareth Elliott, Office of Governor Edmund G. Brown, Jr.  
Each Member of the County of Los Angeles Board of Supervisors  
Each City Mayor in the County of Los Angeles  
Each City Manager in the County of Los Angeles  
California State Association of Counties  
League of California Cities, Los Angeles Division  
California Contract Cities Association  
San Gabriel Council of Governments  
South Bay Cities Council of Governments  
Westside Cities Council of Governments  
Each Member of the Los Angeles County Integrated Waste Management Task Force