



CENTRAL CONTRA COSTA SOLID WASTE AUTHORITY

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LEGISLATIVE AD HOC COMMITTEE MEETING

AGENDA

APRIL 11, 2011 at 11:00 A.M.
CCCSWA Office
1850 Mt. Diablo Blvd., Suite 320
Walnut Creek, CA 94596

1. **CALL TO ORDER**
2. **ADOPTION OF AGENDA**
3. **PUBLIC COMMENT ON ITEMS NOT ON THIS AGENDA**

If you would like to address the Committee, please complete a speaker's card and submit it to the Secretary of the Board. When addressing the Committee, please state your name and address for the record. (The Committee Chair may direct questions to any member of the audience as appropriate at any time during the meeting.)

4. **ADMINISTRATIVE AND FINANCIAL MATTERS**
 - a. **Revised Legislative Letters for AB 900 (Swanson) and AB 1178 (MA)***
Review revised legislative letters, provide input, and approve sending as requested by the Board of Directors.
5. **COMMITTEE COMMUNICATIONS AND ANNOUNCEMENTS**
6. **ADJOURNMENT**

**Corresponding Agenda Report or Attachment is included in this packet.*

ADDRESSING THE COMMITTEE ON AN ITEM ON THE AGENDA

Persons wishing to speak on PUBLIC HEARINGS and OTHER MATTERS listed on the agenda will be heard when the Chair calls for comments from the audience, except on public hearing items previously heard and closed to public comment. The Chair may specify the number of minutes each person will be permitted to speak based on the number of persons wishing to speak and the time available. After the public has commented, the item is closed to further public comment and brought to the Committee for discussion and action. There is no further comment permitted from the audience unless invited by the Committee.

ADDRESSING THE COMMITTEE ON AN ITEM NOT ON THE AGENDA

In accordance with State law, the Committee is prohibited from discussing items not calendared on the agenda. For that reason, members of the public wishing to discuss or present a matter to the Committee other than a matter which is on the Agenda are requested to present the matter in writing to the Secretary to the Authority at least one week prior to a regularly scheduled Committee meeting date. If you are unable to do this, you may make an announcement to the Committee of your concern under PUBLIC COMMENTS. Matters brought up which are not on the agenda may be referred to staff for action or calendared on a future agenda.

AMERICANS WITH DISABILITIES ACT

In accordance with the Americans With Disabilities Act and California Law, it is the policy of the Central Contra Costa Solid Waste Authority to offer its public meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require special accommodations to participate, please contact the Board Secretary of the Authority at least 48 hours in advance of the meeting at (925) 906-1801.



**CENTRAL CONTRA COSTA
SOLID WASTE AUTHORITY**

**LEGISLATIVE
COMMITTEE REPORT**

TO: CCCSWA AD HOC LEGISLATIVE COMMITTEE

FROM: LOIS COURCHAINE, PROGRAM MANAGER

DATE: APRIL 11, 2011

SUBJECT: REVISED LEGISLATIVE LETTERS FOR AB 900 (SWANSON) AND AB 1178
(MA)

SUMMARY

At the March 31, 2011 Board meeting, eight bills and accompanying letters were presented to the Board. One of these bills (AB 1178) had been presented by CCCSWA Counsel after the Ad Hoc Legislative Committee meeting. Additionally, there were comments from several Board members regarding the stated position on AB 900. These circumstances have occasioned the Ad Hoc Legislative Committee to reconvene to discuss and revise those letters as directed by the Board.

RECOMMENDED ACTION

1. Review revised legislative letters, provide input, and approve sending as requested by the Board of Directors.

DISCUSSION

At the March 31, 2011 Board of Directors meeting, members of the Board were concerned about the language used in the opposition letter for AB 900 (Swanson). It was requested by the Board, and agreed upon by the Legislative Ad Hoc Committee, that action would be taken to revise the position to "Cannot Support." Additionally, AB 1178 (Ma) had not been previously reviewed by the Committee. For these reasons it was decided that the Committee would meet again to make decisions on both bills.

ATTACHMENTS

- A. Revised letter and bill for AB 900
- B. Revised letter and bill for AB 1178



CENTRAL CONTRA COSTA SOLID WASTE AUTHORITY

MEMBER AGENCIES

*Central Contra Costa
County*

Town of Danville

City of Lafayette

Town of Moraga

City of Orinda

City of Walnut Creek

April 11, 2011

Assembly Member Sandre Swanson
P.O. Box 942849
Sacramento, CA 94249-0016

RE: AB 900 (Swanson) Recycling and Composting Bins – Cannot Support

Dear Assembly Member Swanson:

The Central Contra Costa Solid Waste Authority (CCCSWA) manages the solid waste and recycling programs for approximately 200,000 residents in Central Contra Costa County. Notwithstanding our dedication to school recycling programs, our agency's Board of Directors, at this time, cannot support AB 900 as written on February 17, 2011.

Although the CCCSWA's mission is to help our communities—particularly our schools—divert solid waste and promote waste reduction and recycling; we believe that the passage of AB 900 would be counter-productive at this juncture given the current economic situation.

Our school districts are currently suffering from severe financial hardships due to State budget cuts. Requiring them to purchase and distribute recycling and composting containers for their schools—though a small expense—will be a further financial burden that we believe is unwarranted at a time when our State's economy is in crisis.

Our agency strongly suggests that AB 900 be withdrawn from consideration by the California State Legislature during this legislative year.

Sincerely,

Karen Mendonca
CCCSWA, Board Chair

cc: CCCSWA Board Members
Dr. Joseph Ovick, Contra Costa County Office of Education
Fred Brill, Lafayette School District Superintendent
Bruce Burns, Moraga Schools District Superintendent
Dr. Joe Jaconnette, Orinda Union School District
Patty Wool, Walnut Creek School District Superintendent
Steven Enoch, San Ramon Valley School District Superintendent
Assembly Member Susan Bonilla
Assembly Member Joan Buchanan

BILL NUMBER: AB 900 INTRODUCED
BILL TEXT

INTRODUCED BY Assembly Member Swanson

FEBRUARY 17, 2011

An act to add Article 8.5 (commencing with Section 32377) to Chapter 3 of Part 19 of Division 1 of Title 1 of the Education Code, relating to public school campuses.

LEGISLATIVE COUNSEL'S DIGEST

AB 900, as introduced, Swanson. Public school campuses: recycling and composting bins.

(1) Existing law requires the Integrated Waste Management Board to develop and implement a source reduction and recycling program for school districts that is designed to assist districts in establishing and implementing source reduction and recycling programs and to complement and further prescribed educational goals and the integrated waste management issues addressed within the science curriculum framework developed by the State Board of Education.

Existing law authorizes and encourages school districts to establish and maintain a paper recycling program in all classrooms, administrative offices, and other areas owned or leased by the school district where a significant quantity of wastepaper is generated or collected. The Integrated Waste Management Board, in conjunction with the State Department of Education, is required to coordinate the implementation of this program by providing materials, technical assistance, and other resources that it deems necessary to aid and encourage educational agencies to establish paper recycling programs.

This bill would require that, on and after January 1, 2012, recycling and composting bins be located on the campus of each public elementary and secondary school in the state. The bill would provide that a school district is responsible for providing the bins that are located on each campus. The bill would further provide that each school district shall determine the number of bins to be located on a campus on the basis of the size of both the pupil population and the surface area of that campus.

Because this bill would impose new duties on school districts, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 8.5 (commencing with Section 32377) is added to

Chapter 3 of Part 19 of Division 1 of Title 1 of the Education Code, to read:

Article 8.5. Recycling and Composting Bins

32377. On and after January 1, 2012, recycling and composting bins shall be located on the campus of each public elementary and secondary school in the state. The school district shall be responsible for providing the bins that are located on each campus. Each school district shall determine the number of bins to be located on a campus on the basis of the size of both the pupil population and the surface area of that campus.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



CENTRAL CONTRA COSTA SOLID WASTE AUTHORITY

April 11, 2011

MEMBER AGENCIES

Central Contra Costa
County

Town of Danville

City of Lafayette

Town of Moraga

City of Orinda

City of Walnut Creek

The Honorable Wesley Chesbro
Chair, Assembly Natural Resources Committee
P.O. Box 942849
Sacramento, CA 94249-0001

Re: AB 1178 (Ma) Regional Solid Waste Management – Strong Support

Dear Assembly Member Chesbro:

The Central Contra Costa Solid Waste Authority (CCCSWA) manages the solid waste and recycling programs for approximately 200,000 residents in Central Contra Costa County. Our agency's Board of Directors strongly supports AB 1178, as amended on April 4, 2011.

AB 1178 specifically prohibits any discriminatory restrictions on the disposal of solid waste based on its place of origin. This is important because the vast majority of California counties are net exporters of waste. Restricting the flow of waste and recyclables across county lines could harm the waste industry's current efforts to promote the most cost-effective and environmentally sound waste management solutions for local jurisdictions.

As a regional solid waste agency, we understand that restricting regional importation of solid waste could have the following affects:

- Counties that currently export waste to other counties could be forced to pay the large costs of permitting and constructing new landfills within their own borders. These additional costs will likely drive individual solid waste rates up.
- Counties currently accepting waste from other counties could be forced to stop, resulting in a revenue loss.
- If a natural disaster were to occur, counties and the State could need the flexibility to transport large amounts of solid waste to the best applicable facility.

In conclusion, this bill would provide protection to local authorities over landfill siting, operation, and waste collection service. We respectfully ask for your support for AB 1178.

Sincerely,

Karen Mendonca
CCCSWA, Board Chair

cc: CCCSWA Board Members
Assembly Member Susan Bonilla
Assembly Member Joan Buchanan

AMENDED IN ASSEMBLY APRIL 4, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1178

Introduced by Assembly Member Ma
(Coauthor: Assembly Member Cedillo)

February 18, 2011

~~An act to amend Section 42231 of the Public Resources Code, relating to solid waste, and declaring the urgency thereof, to take effect immediately. An act to amend Sections 40002, 40900.1, and 41903 of the Public Resources Code, relating to solid waste.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1178, as amended, Ma. Solid waste: ~~compost market program.~~
place of origin.

Existing law authorizes a city or county to assess special fees of a reasonable amount on the importation of waste from outside of the county to publicly owned or privately owned facilities.

This bill would also authorize a local agency to assess those special fees. The bill would prohibit a city, county, or local agency from otherwise restricting or limiting in any way the importation of solid waste into that city or county based on place of origin because ensuring adequate and appropriate capacity for disposal of solid waste is a matter of state and regional concern.

Existing law prohibits a city or county from exporting solid waste to any other jurisdiction unless the exporting city or county has implemented an approved city or county household hazardous waste element and a source reduction and recycling element, or has submitted a countywide integrated waste management plan, with which it is in compliance.

This bill would also apply that prohibition to a local agency. The bill would make related changes.

~~Existing law, the California Integrated Waste Management Act of 1989, establishes a compost market program to increase the use of compost products, including requiring the Department of General Services and Department of Resources Recycling and Recovery to maintain specifications for the purchase of compost by the state and requiring the Department of Transportation to use compost in place of, or to supplement, petroleum-based commercial fertilizers in the state's highway landscape maintenance program. The term compost is defined, for purposes of this program, as the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream.~~

~~This bill would specify that these organic wastes include, but are not limited to, vegetable, yard, and wood wastes that are not hazardous waste.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 40002 of the Public Resources Code is
- 2 amended to read:
- 3 40002. (a) As an essential part of the state's comprehensive
- 4 program for solid waste management, and for the preservation of
- 5 health and safety, and the well-being of the public, the Legislature
- 6 declares that it is in the public interest for the state, as sovereign,
- 7 to authorize and require local agencies, as subdivisions of the state,
- 8 to make adequate provision for solid waste handling, both within
- 9 their respective jurisdictions and in response to regional needs
- 10 consistent with the policies, standards, and requirements of this
- 11 division and all regulations adopted pursuant to this division. The
- 12 provisions of this division which authorize and require local
- 13 agencies to provide adequate solid waste handling and services,
- 14 and the actions of local agencies taken pursuant thereto, are
- 15 intended to implement this state policy.
- 16 (b) The Legislature further declares that restrictions on the
- 17 disposal of solid waste that discriminate on the basis of the place

1 *of origin of the waste are an obstacle to, and conflict with,*
2 *statewide and regional policies to ensure adequate and appropriate*
3 *capacity for solid waste disposal.*

4 *SEC. 2. Section 40900.1 of the Public Resources Code is*
5 *amended to read:*

6 40900.1. The Legislature hereby further finds and declares all
7 of the following:

8 (a) It is important to encourage state agencies to plan and
9 implement programs that will reduce the amount of solid waste
10 going to disposal facilities through source reduction, recycling,
11 and composting.

12 (b) Local agencies, other than a host jurisdiction, and federal
13 agencies should be encouraged to plan and implement programs
14 that will reduce the amount of solid waste going to disposal
15 facilities through source reduction, recycling, and composting.

16 (c) Each state agency shall, to the extent feasible and within
17 existing budgetary constraints, develop and implement source
18 reduction, recycling, and composting programs that will reduce
19 the amount of solid waste going to disposal facilities. Those
20 programs shall be consistent with Executive Order W-7-91, which
21 ordered state agencies to establish recycling programs, reduce
22 paper waste, purchase recycled products, and implement measures
23 that minimize the generation of waste.

24 (d) Local, state, and federal agencies generating solid waste that
25 is sent to a host jurisdiction for disposal should be encouraged to
26 provide the host jurisdiction with information on the amount of
27 solid waste and regarding any solid waste source reduction,
28 recycling, or composting programs that have been implemented
29 by the agency, to assist the host jurisdiction in developing and
30 implementing the planning requirements of this division.

31 (e) *Restrictions or limits on the importation of solid waste based*
32 *on the place of origin are not aspects of solid waste handling*
33 *subject to local government determination because they*
34 *unreasonably limit the disposal of solid waste.*

35 *SEC. 3. Section 41903 of the Public Resources Code is*
36 *amended to read:*

37 41903. (a) A city ~~or county~~, county, or local agency may assess
38 special fees of a reasonable amount on the importation of waste
39 from outside of the county to publicly owned or privately owned
40 facilities. ~~No~~

1 (b) A city, county, or local agency may not otherwise restrict
2 or limit in any way the importation of solid waste into that city or
3 county based on the place of origin, because ensuring adequate
4 and appropriate capacity for disposal of solid waste is a matter
5 of state and regional concern.

6 (c) A city ~~or county~~, county, or local agency shall not export
7 solid waste to any other jurisdiction unless the exporting city or
8 county has; *done either of the following:*

9 (1) ~~Implemented~~, within one year following the date ~~specified~~
10 ~~in~~ when the countywide integrated waste management plan is
11 required to be submitted to the department pursuant to subdivision
12 (a) or (b) of Section 41791, or a later date established or permitted
13 by the ~~board~~, department, both an approved city or county
14 household hazardous waste element and a source reduction and
15 recycling element ~~which have both been implemented, or have~~
16 ~~submitted.~~

17 (2) ~~Submitted~~ a countywide integrated waste management plan,
18 ~~and with which it is in compliance with it, provided, however, that,~~

19 (d) ~~Notwithstanding subdivision (c)~~, until one year following
20 the date ~~specified in~~ when the countywide integrated waste
21 management plan is required to be submitted to the department
22 pursuant to subdivision (a) or (b) of Section 41791, or a later date
23 established by the ~~board~~ department, nothing ~~herein in this section~~
24 shall be construed as prohibiting the export of solid waste. ~~The~~
25 ~~board~~

26 (e) ~~The department~~ may waive the requirements of ~~this section~~
27 subdivision (c) if the ~~board~~ department determines that all
28 additional reasonable source reduction and recycling programs are
29 being implemented in the city or county or if the ~~board~~ department
30 determines that the system to export waste supports or enhances
31 the city or county source recovery and recycling element.

32 SECTION 1. ~~Section 42231 of the Public Resources Code is~~
33 ~~amended to read:~~

34 42231. ~~“Compost” means the product resulting from the~~
35 ~~controlled biological decomposition of organic wastes, including,~~
36 ~~but not limited to, vegetable, yard, and wood wastes that are not~~
37 ~~hazardous waste, and that are source separated from the municipal~~
38 ~~solid waste stream.~~

39 SEC. 2. ~~This act is an urgency statute necessary for the~~
40 ~~immediate preservation of the public peace, health, or safety within~~

1 ~~the meaning of Article IV of the Constitution and shall go into~~
2 ~~immediate effect. The facts constituting the necessity are:~~
3 ~~In order to encourage the use of sustainable compost as soon as~~
4 ~~possible, thereby protecting public health and safety and the~~
5 ~~environment, it is necessary that this act take effect immediately.~~

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