REPORT

DATE: July 31, 2003

TO: The Regional Council
The Energy and Environment Committee

FROM: Charlotte Eckelbecker, Government Affairs Analyst
Phone: (213) 236-1811 E-Mail: eckelbec@scag.ca.gov

SUBJECT: Letter to Senator Byron Sher Opposing AB 939 Diversion Requirement Increases

EXECUTIVE DIRECTOR'S APPROVAL

RECOMMENDED ACTION: Approve Release of Letter to Senator Byron Sher

SUMMARY:
At the request of the Chair of the Energy and Environment Committee, SCAG staff has drafted a letter to Senate Environmental Quality Committee Chair Byron Sher (D-Palo Alto), indicating SCAG's opposition to amending AB 939, the 1989 Integrated Waste Management Act, which established the fifty percent solid waste diversion requirement for cities and counties by the year 2000. The letter is attached for the Regional Council and the Energy and Environment Committee's consideration.

BACKGROUND:
Senator Sher introduced Senate Bill 287, relating to solid waste, this year. The spot bill raised concern among some solid waste stakeholders, who suspected the senator intended to use SB 287 to raise the existing diversion requirement from fifty percent to seventy percent or more. Cities continue to struggle with the diversion requirement, and many believe it is premature to increase the mandate when the total statewide diversion success rate is only forty-two percent—still short of the statutory requirement.

SB 287 stalled early in the session and was never heard in committee. It failed to pass the constitutional deadlines for legislative action and is, for practical purposes, dead. The death of SB 287 reflected the lack of consensus among solid waste stakeholders, and most consider the issue moot for 2003. The senator's chief of staff has indicated the senator has no plans to pursue AB 939 amendment this year. Instead, the senator has been actively pursuing Senate Bill 20, relating to electronic waste, which will be considered by the Regional Council today.

Nevertheless, Senator Sher has pressed unexpected amendments late in legislative sessions, causing some misapprehension over the years. The attached letter was drafted at the request of the Chair of the Energy and Environment Committee to dispel that apprehension by making a proactive statement of SCAG's interests. Approval to release the letter to Senator Sher is recommended.

FISCAL IMPACT:
All work related to adopting the recommended staff action is contained within the adopted FY 03/04 budget and adopted 2003 SCAG Legislative Program and does not require the allocation of any additional financial resources.

CAE#87950

July 31, 2003

SOUTHERN CALIFORNIA

ASSOCIATION of GOVERNMENTS

Main Office

818 West Seventh Street

12th Floor

Los Angeles, California

90017-3435

t (213) 236-1800

f (213) 236-1825

www.scag.ca.gov

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The Honorable Byron Sher
California State Senate
Capitol Building, Room 2082
Sacramento, CA 95814

RE: SB 287 and AB 939 Solid Waste Diversion Requirements

Dear Senator Sher:

The issue of AB 939 solid waste diversion is important to the Southern California Association of Governments. SCAG member cities have worked diligently over the last thirteen years to meet and exceed AB 939's diversion requirements and to create and sustain a market for recyclable materials recovered from the solid waste stream.

It is estimated that in 2002, cities diverted forty-two percent of their solid waste from landfills—a wonderful achievement, but one that demonstrates the work that remains to be done to meet AB 939's fifty percent mandate. Your introduction this year of Senate Bill 287, stating legislative intent on solid waste, signaled to some your interest in increasing the mandate beyond the existing fifty percent requirement, possibly even to seventy percent or more.

SB 287 is currently inactive, and your staff has indicated there are no plans to pursue amendments to AB 939 this year. In the interest of our membership, please be aware that SCAG would oppose any effort to increase the diversion rate beyond fifty percent, which remains an illusive goal for some cities.

If plans to amend AB 939 arise, SCAG would like to be included in the discussions with solid waste stakeholders. Many members of the Regional Council and its Energy and Environment Committee are active in the area and could contribute knowledgeable insight to the process. The Energy and Environment Committee would also be pleased to invite you or a member of your staff to make a presentation on any amendment to AB 939 you might offer. The EEC meets the first Thursday of the month at SCAG's downtown Los Angeles office.

Thank you for your time and attention. We look forward to hearing from you if we can be of assistance on solid waste issues, and we appreciate your willingness to collaborate on the diversion requirements that affect us.

Sincerely,

BEV PERRY
President, SCAG
Mayor, City of Brea

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