

Agenda Report

TO: CITY COUNCIL

May 13, 2002

THROUGH: Legislative Committee (May 7, 2002)

FROM: City Manager

SUBJECT: Support Recommendations made by the SB 2202 (Statutes of 2000)
Working Group Regarding Diversion Rate Compliance

RECOMMENDATION

It is recommended that the City Council authorize the Mayor to send a letter to the appropriate authorities supporting the recommendations made by the working group formed as a result of the passage of SB 2202 (Sher)- *Solid Waste Management: Diversion: Reports*

BACKGROUND

The Governor signed senate Bill 2202 on September 25, 2000. The California Waste Management Act of 1989 (AB 939) established a comprehensive statewide program for solid waste management, administered by the California Integrated Waste Management Board (CIWMB). The purpose of the Act is to "reduce, reuse and recycle solid waste generated in the state to the maximum extent feasible." Since the passage of the Act, California has quadrupled the amount of material diverted from landfills from five million tons to 22.2 million tons annually. The statewide diversion rate has increased from approximately ten percent to 37 percent. Although the State and many local governments have not been able to meet the 50 percent goal set for 2000, the initiative to reduce, recycle and divert has made considerable strides.

Senate Bill 2202 made several changes to existing law to allow more communication and flexibility between local governments and the CIWMB when a local government is in jeopardy of falling under a compliance order for failure to meet the mandated diversion goal.

Pursuant to SB 2202 an "SB 2202 working group" was established and the group has made recommendations to the Legislature relating to the development and implementation of diversion programs for the purposes of meeting AB 939 requirements. The San Gabriel Valley Council of Governments has passed a resolution supporting the recommendations made by the SB 2202 working group. Staff recommends support of the working groups recommendations as well. Essentially, the focus shifts from mathematical compliance to program implementation, which will assist local

The San Gabriel Valley Council of Governments has passed a resolution supporting the recommendations made by the SB 2202 working group. Staff recommends support of the working groups recommendations as well. Essentially, the focus shifts from mathematical compliance to program implementation, which will assist local governments in achieving the diversion goals of AB 939. Highlights of the recommendations are listed below and a copy of the complete recommendations are attached.

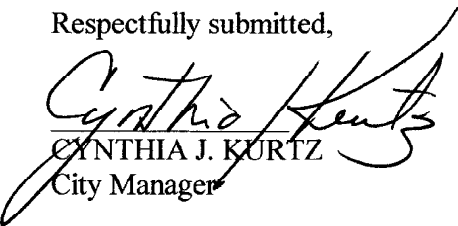
- Recognition on the part of the CIWMB of the potential for significant errors in the disposal reporting system (DRS) and placing more emphasis on waste diversion program implementation and less on mathematical accounting.
- Imposing various regulatory requirements at solid waste facilities by the CIWMB to improve DRS accuracy, including daily surveys, scales, and standards for collecting origin and disposal tonnage information.
- Implementation of programs/measures by the CIWMB to enhance markets for diverted materials.
- Convening working groups by the CIWMB to further study a number of SB 2202 working group's proposals, including development of a "menu" of diversion programs that jurisdictions could implement *in place of* diversion rate measurement (i.e. a programmatic approach to compliance); and removing the ten percent diversion credit cap for conversion technologies (i.e. non-burn transformation to encourage their development as alternatives to landfilling and incineration.)

The City of Pasadena will benefit with a shift in the direction of numerical compliance to a program based focus because it is very difficult to accurately track tonnage attributed to Pasadena. The Disposal Reporting System is especially onerous to Pasadena because its irregular boundaries make it the most easily identifiable location when drivers are queried at the landfill as to the source of the waste.

FISCAL IMPACT

Changes to the current method of calculating diversion based on mathematical compliance and instead emphasizing program implementation and good faith effort, would help the City to avoid a potential \$10,000 per day fine for non-compliance with AB 939, by allowing the City more flexibility in achieving the diversion goal.

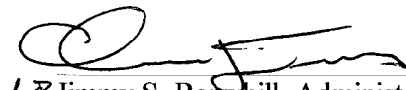
Respectfully submitted,


CYNTHIA J. KURTZ
City Manager

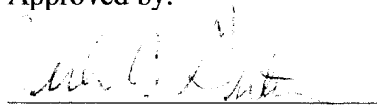
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