

OFFICE OF THE CITY MANAGER

May 17, 2000

TO: CITY COUNCIL

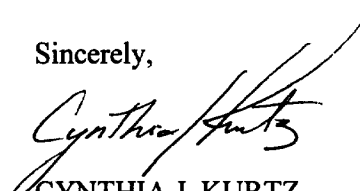
FROM: CITY MANAGER

RE: Assembly Bill 1939 – (Vincent and Margett) *Solid Waste Diversion Requirements: Noburn Transformation*

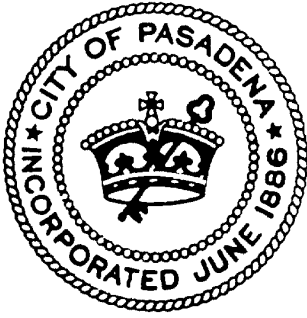
On May 17, 2000, the Legislative Policy Committee reviewed a staff report recommending support for AB 1939, a State Assembly Bill which proposes changes to the means by which individual cities are to verify compliance with AB 939, the Integrated Waste Management Act. This bill was shelved at the State level and a new and revised bill has not yet been drafted.

The Legislative Policy Committee did not approve the staff report, but instead recommends that the City Council authorize the Mayor to send a letter to the appropriate officials supporting two of the four tenets of AB 1939. The first would require the California Integrated Waste Management Board (CIWMB) to include in its annual progress report to the State Legislature an evaluation of the accuracy and effectiveness of the disposal reporting system, including recommendations to address any deficiencies in the system. The present disposal reporting system is not in Pasadena's favor in terms of how trash is allocated to individual cities. The second would require the CIWMB to revise the conditions for issuance of a compliance order to emphasize an agency's good faith effort to implement its source reduction, recycling, and household waste elements. This would give Pasadena the opportunity to show good faith compliance with recycling programs already approved by both City Council and the CIWMB.

Sincerely,



CYNTHIA J. KURTZ
City Manager



Agenda Report

TO: CITY COUNCIL

May 16, 2000

THROUGH: Legislative Committee

FROM: City Manager

SUBJECT: Support of AB 1939 (Vincent and Margett), Relating to the California Integrated Waste Management Act

RECOMMENDATION

It is recommended that City Council:

1. Adopt the attached resolution supporting AB 1939 which recommends changes to AB 939; and
2. Support any related legislation proposed in calendar year 2000 which adopts essentially the same position as AB 1939; and
3. Authorize the Mayor to send letters to the appropriate officials stating Pasadena's position.

BACKGROUND

The existing California Integrated Waste Management Act of 1989 (AB 939), which is administered by the California Integrated Waste Management Board (CIWMB), establishes an integrated waste management program which cities, counties, and regional agencies are required to implement. Under AB 939, local jurisdictions are required to achieve landfill waste diversion goals of 25% by 1995 and 50% by 2000.

Assembly Bill 1939 proposes an approach that would permit individual cities and counties to identify and explain outside factors that may impact the accuracy of the diversion numbers and would restrain the ability of the CIWMB to require additional documentation by jurisdictions that provide such information. In addition, the bill recommends that emphasis be placed on whether or not a jurisdiction is making a good faith effort to implement its AB 939 programs as the fundamental way of determining AB 939 compliance.

Passage of AB 1939 would eliminate much of the potential for inaccuracy inherent in the current disposal reporting system. This reporting system is based in part on the estimated number of tons disposed at Scholl Canyon Landfill. Drivers who use the landfill tend to overstate the amount of their waste coming from Pasadena because 1) trash originating from outside the Scholl Canyon Wasteshed is not allowed in the landfill and drivers know they would have to travel much farther to the next one, 2) drivers are unfamiliar with the boundaries of the large unincorporated community that borders Pasadena, 3) Altadena is located north of Pasadena and is part of the Pasadena Unified School District but not one of the Scholl Canyon Wasteshed city members, and 4) Pasadena is familiar to the thousands of truck drivers using Scholl Canyon Landfill because of its large population, physical size, and proximity. However, when private haulers with trash originating outside Pasadena state it is Pasadena trash at the landfill entrance, it negatively impacts Pasadena's diversion rate by an overall estimated four percent (4%).

This four percent (4%) estimate is derived using a formula provided by the CIWMB which takes into consideration the number of tons of trash disposed at the landfill, population growth, taxable sales, and CPI. The current methodology of calculating waste disposal at the landfill overstates the quantity attributed to Pasadena, and thus has a negative effect on Pasadena's overall diversion rate. Passage of AB 1939 would require the CIWMB to thoroughly review the disposal reporting system annually and implement appropriate changes to that system and would place more emphasis on each jurisdiction's good faith efforts to implement source reduction, recycling, and household waste elements.

This bill was referred to the State Committee on Natural Resources on February 28, 2000 for a hearing date on April 24, 2000. However, because it lacked enough votes to pass, it was pulled from consideration at the request of Los Angeles County, the bill's sponsor. The bill would have required the CIWMB to rely less on numerical targets and more on the recycling programs and good faith efforts of local governments in deciding the level of compliance with AB 939. The bill specifically would have required the CIWMB to deem a local government in compliance with the law if it was implementing State approved recycling programs but still could not reach the 50 percent target.

Most San Gabriel Valley cities have met the 25 percent target for waste diversion mandated by 1995 but are still having difficulty reaching the 50 percent target for the end of the year 2000. Duarte, La Canada, and San Gabriel have all been given "compliance orders" by the CIWMB after being put on notice that their recycling programs were not being implemented fast enough. Pasadena reached 41 percent waste diversion in August 1999 and hopes to reach 45 percent waste diversion, thanks in large part to the new Pay-As-You-Throw program. The 5 percent gap from 45 percent to 50 percent, however, is going to take a concerted effort to reach. Integrated Waste Management staff is investigating options for Pasadena to capture more recycling of construction and demolition debris as well as provide more opportunity for recycling at businesses and multi-family dwellings. These are harder audiences to reach, and staff will return to Council in June with an agenda report describing these issues.

Meanwhile, AB 1066, was passed at the State level and gives cities the latitude to apply for a series of one year extensions through 2005 in order to meet the 50 percent mandate. The City of

Pasadena's Integrated Waste Management staff plans to apply for an extension, once the official waste diversion percentage has been calculated for the year 2000.

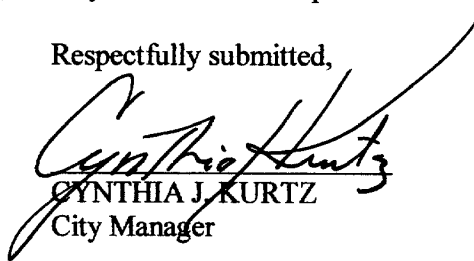
Although AB 1939 has been shelved until the fall of 2000, Diamond Bar Councilwoman Eileen Ansari, who testified in favor of the bill at its first hearing in April, said cities may now take up the legislation through their advocacy groups and bring it back after gathering more support. It is expected that this bill will be introduced again at the League of California Cities at their meeting in the fall. The San Gabriel Valley Council of Governments (SGVCOG) continues to support the core principles of AB 1939, namely 1) an emphasis on good faith compliance efforts, and 2) annual reporting on the disposal reporting system, including recommendations for any appropriate and productive changes to that system. The SGVCOG is working with Assembly Member Scher and others who share the goals of implementing quality diversion programs and improving the disposal reporting system. It is the goal of all involved to pursue these goals while carefully balancing respect for the authority of the CIWMB.

Staff recommends that City Council support AB 1939 at this time and adopt a resolution in that regard. Staff also recommends that the City Council's action on AB 1939 also encompass any related legislation proposed in calendar year 2000 which adopts essentially the same position.

FISCAL IMPACT


Changes to the current methodology of determining if a jurisdiction meets the AB 939 mandate could help the City avoid a potential \$10,000/day fine for non-compliance.

Respectfully submitted,



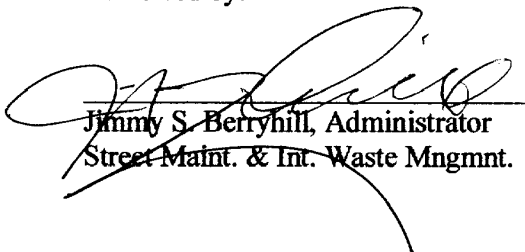
CYNTHIA J. KURTZ
City Manager

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