



OFFICE OF THE CITY MANAGER

June 7, 2004

TO: City Council

FROM: City Manager

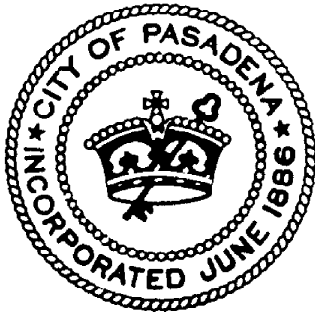
SUBJECT: **Opposition to SB 1387 (Romero) Sanitation and Sewers:  
Recycling Facility**

Senate Bill 1387 was removed from the hearing agenda by author Romero and not resubmitted. Since it did not move out of the house of origin before the deadline, this bill is effectively dead. However, Romero has authored another bill, SB 537 "Material Recovery Facilities, LA County Sanitation" that has passed on to the Assembly and would establish the same serious precedent regarding local land use authority. SB 537 would prohibit expansion of an existing or sighting of a new material recovery facility unless it was approved by the cities located within one mile of the facility. This could establish a dangerous precedent that could be applied to cities in general and to other proposed land uses.

As such, staff recommends that Council take a general position of opposition to any legislation that would preempt local land use authority over the sighting of material recovery facilities.

Respectfully submitted,

Cynthia J. Kurtz  
City Manager



# Agenda Report

TO: CITY COUNCIL June 7, 2004

THROUGH: Legislative Committee

FROM: City Manager

SUBJECT: Oppose Senate Bill 1387 (Romero) – *Sanitation and Sewers: Recycling Facility*

## **RECOMMENDATION**

It is recommended that the City Council oppose SB 1387 and authorize the Mayor to communicate the City's position to the appropriate legislators.

## **Background**

SB 1387 is the second bill sponsored by Senator Romero that attempts to thwart a local agency's ability to implement its own land use decision. If passed, SB 1387. could set precedent to place land use decisions into the hands of voters rather than the governing body and has the potential to preempt the City of Pasadena's future land use decisions.

The proposed law would prohibit a county sanitation district with a population exceeding five million people from using the revenue derived from water, sewer, storm drain and similar services to acquire or develop or improve land for the purposes of creating a materials recovery facility with a capacity of over 4,000 tons per day unless approved by 2/3 vote of the residents of the affected area.

This law is targeted solely toward Puente Hills Landfill and its proposed materials recovery facility which could have serious repercussions on Los Angeles County's ability to handle solid waste and also impact the future waste-by-rail project. Constraints could be placed on landfill operators to handle future solid waste disposal and recycling needs if the proposed materials recovery facility is not operational and available to remove recyclable materials from the waste stream prior to the residuals being landfilled.

## **Opposition**

The Los Angeles County Integrated Waste Management Task Force strongly opposes this bill and has written a letter to Senator Romero expressing this opposition. Passage of SB 1387 will specifically jeopardize the implementation of the fully permitted Puente Hills Materials Recovery Facility, the waste-by-rail facility development and the future operations of the Puente Hills and Calabasas Landfills. The proposed materials recovery facility in the City of Industry is permitted to receive up to 4,000 tons of recyclables per day and is an essential component of the future waste-by-rail system. The Task Force is very concerned that SB 1387 would give residents outside the affected unincorporated area veto project over the project.

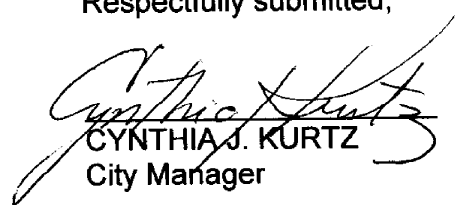
The San Gabriel Valley Council of Governments has sent a letter of opposition to Senator Romero, citing that that the proposed bill imposes both time delays and financial costs to county and local governments and that if the legislation is adopted, the risk of cities not being able to meet the required of mandates of AB 939, and therefore being fined by the State, will increase significantly. Any penalties imposed on jurisdictions that utilize the Sanitation Districts will most probably be passed on to residents.

The League of California Cities strongly opposes this bill because it could set the precedent of removing local land use decisions from local jurisdictions. The League also opposes the bill as an attempt to halt the construction of the Sanitation Districts proposed recycling facility.

**Fiscal Impact**

There is no immediate fiscal impact to the City of Pasadena. The most recent information from the Los Angeles Counties Sanitation Districts is that the estimated tipping fees to \$60 per ton with the implementation of waste-by-rail will not increase Scholl Canyon fees.

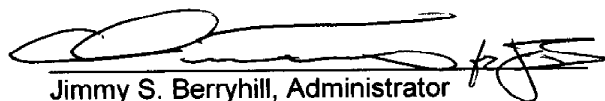
Respectfully submitted,

  
CYNTHIA J. KURTZ  
City Manager

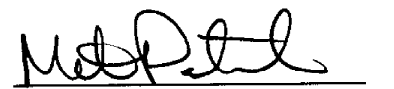
Prepared by:

  
Carolyn Meredith  
Recycling Coordinator

Reviewed by:

  
Jimmy S. Berryhill, Administrator  
Street Maintenance and Integrated  
Waste Management

Approved by:

  
Martin Pastucha, Director  
Department of Public Works