

## **2005 Solid Waste Legislative Policies of the Recycling and Waste Reduction Commission of Santa Clara County**

1. Support policies and legislation that promote improved markets for recyclable materials.
  - a) Minimize the negative impact of the restructuring of the electricity industry on markets that divert wood waste from landfill disposal;
  - b) Require minimum recycled content in products and packaging materials;
  - c) Create economic incentives for the use of recycled materials through procurement preferences, tax policies, and permit assistance;
  - d) Support administrative and legislative decisions to strengthen the California Beverage Container Recycling Program to include the widest variety of beverage containers; including wine and liquor bottles;
  - e) Increase the competitiveness of recycled feedstock through measures that offset subsidies given to virgin resources, in order to place recycled feedstock on an equal competitive basis with feedstock from virgin materials;
  - f) Increase green purchasing by public agencies;
  - g) Require the development and implementation of procedures to increase environmentally preferable purchasing and green building.
2. Support legislation that protects local solid waste franchising and fee-setting authority and oppose legislation that:
  - a) Preempts local planning decisions regarding solid waste facility siting;
  - b) Preempts local solid waste and AB 939 fee-setting authority;
  - c) Imposes taxes or fees on local refuse programs to fund statewide programs not directly related to solid waste management;
  - d) Imposes unfunded mandates on local governments, places local governments in a position of monitoring and/or enforcing compliance with state regulations that should be the responsibility of the state agency that promulgates the regulations, or subjects local agencies to civil penalties for actions or decisions made by private companies (such as ARB proposed rule regarding diesel-fueled solid waste vehicles).
3. Monitor legislation to modify AB 939 and related solid waste management requirements
  - a) Oppose legislation that would require burdensome changes to locally adopted plans;
  - b) Continue support of existing AB 939 diversion requirements. Support AB 939 compliance measurements that provide for determinations of local jurisdiction compliance with AB 939 goals by either:
    - Meeting the waste diversion goals, or
    - Making a good faith effort to implement applicable programs;
  - c) Support establishment of deadlines for SRRE Biannual Report processing/review by CIWMB, with consequences for missing the deadline (for example, if the CIWMB does not act within 180 days of the receipt of a jurisdiction's annual report to complete its biannual review, it would be prohibited from issuing any compliance orders to the jurisdiction for a two-year period);
  - d) Oppose legislation and regulations that assign a regulatory and/or enforcement role to the Non-Disposal Facility Element or Siting Element established under AB 939 and subsequent legislation. Support interpretations that maintain the current roles of the NDFE and Siting Element as planning documents only;

- e) Support administrative or legislative measures to define landfill disposal for purposes of AB 939 compliance determinations to exclude waste required to be disposed in Class II landfills (to resolve Class II waste issues);
  - f) Support measures to simplify and improve state-mandated reporting.
4. Support action to establish alternative funding sources for integrated waste management programs, since funding continues to be a problem for every waste prevention program. Sources could include:
- a) Legislation to implement advance disposal fees (ADFs) to help support local household hazardous waste collection programs;
  - b) ADFs on such products as polystyrene, aseptic packages, white goods, sharps;
  - c) Enhancement of the existing ADF on tires to provide funding for enforcement, incentives for employing used tires as feedstock, and development of new markets. The ADF should provide financial incentive for tire manufacturers to incorporate reuse, recyclability, and durability in product design.
  - d) Legislation/regulations to increase consistency of grant opportunities over time, and to provide longer notice/lead time for submission of applications.
  - e) Legislation to address shipment of wastes out of California and the resulting loss of state and local revenues.
5. Support requirements that prohibit the release into the recycling stream of radioactive or radiation-contaminated materials. Products should be designed, manufactured and used in ways that avoid harm to workers and the environment. Oppose standards or policies by any government entity that would allow release of radioactive or radiation-contaminated materials into the recycling system.
6. Support elimination of local government liability under Superfund for the disposal of ordinary municipal waste, provide expedited de minimis settlements for hazardous material generated by local government operations, and allocate costs on the basis of toxicity rather than the volume of municipal waste. Superfund reform should also provide a level of protection to third party investors, lenders, and developers of brownfields sites.
7. Maintain financial support for beneficial use of landfill gas and other biomass energy.
8. Support performance standards and use of alternative cover for landfills, limited to the quantities required to protect public health and safety and minimize nuisances.
9. Support legislation to address litter control and abatement problems in California, including measures to:
- a) Expand the enforcement authority of the California Highway Patrol to include enforcement measures for any vehicle generating litter on public roadways;
  - b) Provide for effective enforcement of anti-litter laws;
  - c) Implement a strong statewide anti-litter outreach campaign;
  - d) Provide for cleanup of littered areas.
10. Support legislation mandating producer responsibility and precautionary principles, to require manufacturers, including computer and electronics manufactures, to reduce the hazardous components of their products and to assume financial and/or physical responsibility for the costs of collection, processing, consolidation and treatment, recycling, or safe disposal of products at end-of-life, especially products that:

- a) Contain toxic or hazardous constituents; or
  - b) Are banned from disposal in municipal solid waste landfills; or
  - c) Pose a threat to the safe or efficient operation of a solid waste facility; or
  - d) Pose health and safety threats to the public and solid waste workers (such as household sharps)
  - d) Create significant economic burdens on local government for end-of-life management because there is a significant amount of the product in the waste stream, or because the nature of the product makes it difficult to manage in the existing integrated solid waste system (such as plastics and sharps); or
  - e) Possess significant potential for increased reuse and recycling (including plastics).
11. Support legislation discouraging disposal of household 'sharps' waste mixed with municipal solid waste and requiring vendors of sharps to take back and dispose of the sharps that they sell, in order to protect the health and safety of the public and solid waste workers.
  12. Support legislation that would authorize state and local government designation of mixed municipal waste to managed facilities through flow control ordinances, franchises, and contracts.
  13. Support legislation adopting national standards for minimum recycled content in manufactured goods; assure that the concept of *post-consumer waste* is retained in the definitions. [Abandonment of the *post-consumer waste* concept could undermine existing recycling collection programs.] Support legislation that standardizes definitions of such terms as "recyclable" and "recycled."
  14. Support legislation aimed at setting new manufacturing and packaging standards that would reduce the amount of solid waste generated on a national level.
  15. Support a requirement that all unsolicited mail must be easily recyclable.
  16. Support Federal legislation to clarify that solid waste and recyclable materials are not *property* as that term is used in the Federal Aviation Administration Authorization Act (FAAA Act). Support appeals challenging the United States District Court for the District of Oregon ruling in the A.G.G. Enterprises vs. Washington County case, which defined solid waste as property under the FAAA Act. [This ruling, if it prevails, may invalidate many state and local government laws pertaining to solid waste.
  17. Support legislation that assists in the creation and expansion of sustainable markets to support diversion efforts and ensure that diverted materials return to the economic mainstream.
  18. Support legislation that improves the efficiency and effectiveness of the Integrated Waste Management Board.
  19. Support legislation that promotes a "zero-waste California" where the public, industry, and government strive to reduce, reuse, or recycle all municipal solid waste materials back into nature or the marketplace in a manner that protects human health and the environment.
  20. Support legislation that increases compensation to local government for the expanded products that fall under the Universal Waste regulations.