



LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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DONALD L. WOLFE
CHAIRMAN

October 18, 2005

The Honorable United States Senator Frank Lautenberg
Hart Senate Office Building
Suite 324
Washington, DC 20510

The Honorable Congressman Robert Menendez
2238 Rayburn HOB
Washington, DC 20515

Dear Senator Lautenberg and Congressman Menendez:

**SENATE BILL 1607 (INTRODUCED JULY 29, 2005) AND
HOUSE OF REPRESENTATIVES BILL 3577 (INTRODUCED JULY 28, 2005)
EXCLUSION OF SOLID WASTE DISPOSAL FROM THE JURISDICTION OF THE
SURFACE TRANSPORTATION BOARD**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **supports** Senate Bill 1607 (SB 1607) and House of Representatives Bill 3577 (H.R. 3577), related to Exclusion of Solid Waste Disposal from the Jurisdiction of the Surface Transportation Board.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and its 88 cities in Los Angeles County (with one-third of California's population and among the most complex solid waste management system in the nation). Consistent with these responsibilities, and to ensure a coordinated and cost-effective solid waste management system to protect the well being of our residents, the Task Force also addresses issues impacting the solid waste management

system on a Countywide basis. The Task Force membership includes representatives of the cities, County, public, business and environmental groups, solid waste and recycling industries, and governmental agencies.

Currently, railroads are regulated by the Federal Government under the auspices of the Surface Transportation Board. Moreover, Federal Law (Section 10501, Title 49 of the United States Code) exempts railroads from State and local laws and regulations, including the permitting of solid waste management facilities. This provision has been the subject of several legal challenges. If either SB 1607 or H.R. 3577 is enacted, solid waste management facilities would be expressly excluded from the exemption.

Presently, the development of solid waste management facilities must meet local requirements. However, the current loophole exempting the railroad industry from local control creates a situation whereby decision makers and residents most impacted by the project are prevented from determining reasonable, site-specific control measures over the development of such facilities in their neighborhoods. SB 1607 or H.R. 3577 would make the railroad industry subject to the same requirements that any other solid waste management facility proponent must comply with, ensuring a level playing field. This not only protects public health and safety and the environment, but upholds environmental justice. While railroads should expect a streamlined regulatory process for matters relating to their primary functions of transportation and commerce, local agencies, which carry the full burden of the impacts from such development, must have a say in the ancillary actions of the railroad industry when those actions constitute a solid waste facility.

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Therefore, the Task Force **supports** SB 1607 and H.R. 3577. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,



Michael Miller, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Councilmember, City of West Covina

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cc: United States Senator Jon S. Corzine
United States Senators Barbara Boxer and Diane Feinstein
Congressmen Frank Pallone, Bill Pascrell, Robert E. Andrews and Steve Rothman
Each Member of the Los Angeles County Federal Legislative Delegation
Governor Arnold Schwarzenegger
Secretary of the Cal EPA
Each Member of the California Air Resources Board
Each Member of the California Integrated Waste Management Board
Each Member of the California Water Resources Board
Each Member of the Los Angeles Regional Water Quality Control Board
Each Member of the Lahontan Regional Water Quality Control Board
Solid Waste Association of North America
National Solid Wastes Management Association
Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor in the County of Los Angeles
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Southern California Association of Governments
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Each Member of the Los Angeles County Integrated Waste Management Task Force