



MARK PESTRELLA, PE, CHAIR
MARGARET CLARK, VICE - CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyiswmtf.org

June 15, 2021

The Honorable Thomas J. Umberg, Chair
Senate Committee on Judiciary
State Capitol, Room 2187
Sacramento, CA 95814

Dear Senator Umberg:

**OPPOSE UNLESS AMENDED - ASSEMBLY BILL 1 (CRISTINA GARCIA AND SANTIAGO)
AS REVISED ON MAY 20, 2021 – HAZARDOUS WASTE**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) respectfully **opposes** Assembly Bill 1 (AB 1), as revised on May 20, 2021, **unless amended** to protect local jurisdictions' household hazardous waste and used oil collection programs from significant operational cost increases that would result from the bill.

Briefly, the proposed legislation would create the Board of Environmental Safety (Board) within California Environmental Protection Agency with duties which, among other things, would include reviewing policies, processes, and programs within the hazardous waste control laws; and proposing statutory, regulatory, and policy changes. The bill would establish an office of ombudsperson on the Board to receive complaints and suggestions, to evaluate complaints received, to report findings and make recommendations to the Director of the Department of Toxic Substances Control (DTSC) and the Board, and to render assistance. The bill also would require DTSC to prepare a state hazardous waste management plan every 3 years and present it to the Board for approval.

Additionally, the proposal would require the Secretary for the California Environmental Protection Agency to convene a fee task force to review and make recommendations to the Legislature on a fee system for the Hazardous Waste Control Account (HWCA) and a funding structure for the Toxic Substances Control Account.

If enacted, the proposal would repeal the generator fee and would instead require a generator to pay the California Department of Tax and Fee Administration a Generation and Handling fee of \$35.50 for each ton of hazardous waste generated per site; it would increase the Facility fee to \$71,250 for the 2022 base rate and revise the tiered payment structure for hazardous waste Facility fee; and repeal a number of existing local government fee exemptions, thereby significantly increasing local governments' operational costs for conducting household hazardous waste (HHW) and used oil collections programs.

The Task Force agrees the bill would provide policy direction to and oversight of DTSC and raise and recast existing fees within the HWCA to fill a projected deficit of approximately \$18 million but opposes the bill unless it is amended to include language to continue to waive fees for HHW collection facilities, including, but not limited to, mobile weekly collection roundups, and used oil collection sites that support local governments' collection programs. Local jurisdictions cannot afford to shoulder this financial burden, and this may result in a further downward spiral with the scale back or closure of HHW and used oil collection programs.

These local programs provide critical public services and prevent improper disposal of household hazardous waste and used oil. The reduction and potential elimination of these collection programs would cause a significant increase of hazardous waste contamination in solid waste and curbside recycling collection programs, as well as illegal dumping, which would negatively impact our natural environment, and the public health and safety of our residents.

While the Task Force recognizes that the proposed legislation makes several important changes to improve the governance and operation of the DTSC, it also believes that the proposal needs to be amended to address the following:

- Reinststate the fee exemption from the Generation and Handling Fee for hazardous wastes and small quantity generator wastes collected by local HHW collection facilities and programs.
- Reinststate the used oil exemption from the Generation and Handling Fee for local used oil collection programs.
- Currently, Universal Wastes are being accepted at HHW collection facilities. Therefore, clarification is needed that Universal Wastes are not subject to the Generation and Handling Fee.
- In regard to the state hazardous waste management plan to be prepared by DTSC pursuant to the proposed Health and Safety Code Section 25135.9, clarify that hazardous waste reduction plan goals on reducing the amount of hazardous waste disposed shall focus on upstream generation and management rather than imposing requirements on local governments to reduce the quantity of materials accepted by local operations.
- Expand the scope of Board of Environmental Safety's authority to allow it to hear public comments and concerns about issues under the jurisdiction of DTSC.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated and cost-effective and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

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Based on the foregoing, the Task Force respectfully **opposes** AB 1 as revised on May 20, 2021, **unless amended** to include/address the concerns/recommendations in this letter. If you have any questions, please contact Mr. Mike Mohajer, a member of the Task Force, at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Mayor City of Rosemead

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cc: Assembly Member Bauer-Kahan
Assembly Member Carrillo
Assembly Member Friedman
Assembly Member Cristina Garcia
Assembly Member Holden
Assembly Member Boerner Horvath
Assembly Member Jones-Sawyer
Assembly Member Kalra
Assembly Member Mullin
Assembly Member Quirk
Assembly Member Reyes
Assembly Member Luz Rivas
Assembly Member Santiago
Senator Durazo
Senator Gonzalez
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Senator Stern
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Senator Wiener
Each Member and staff of the Senate Committee on Judiciary
California State Association of Counties
League of California Cities – Los Angeles County Division
Each Member of the Los Angeles County Board of Supervisors
Fesia A. Davenport, Los Angeles County Chief Executive Officer
Gateway Cities Council of Governments
San Gabriel Valley Council of Government
South Bay Cities Council of Governments
Westside Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each City Recycling Coordinator in the County of Los Angeles
Each Member of the Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force