

**SUBMITTAL TO THE SOLID WASTE MANAGEMENT ADVISORY COUNCIL
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FROM: Waste Management Department

SUBMITTAL DATE: May 21, 2015

SUBJECT: Assembly Bill 45: Curbside Household Hazardous Waste Collection - OPPOSE
UNLESS AMENDED

RECOMMENDED MOTION: That the Riverside County Solid Waste Management Advisory Council/Local Task Force (LTF) send the attached letter taking a position of OPPOSING UNLESS AMENDED to Assembly Bill 45, which requires that curbside household hazardous waste be the “principal means of collecting household hazardous waste and diverting it from California’s landfills and waterways”.

BACKGROUND:

This bill would enact legislation that would state that curbside, door-to-door, residential pickup of household hazardous waste is the principal method of collection. (Continued)


Hans Kernkamp
General Manager-Chief Engineer

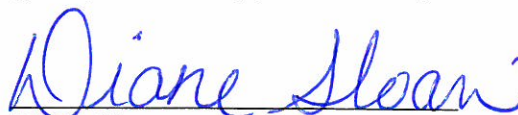
MINUTES OF THE SOLID WASTE MANAGEMENT ADVISORY COUNCIL

On the motion of Bob McGee, seconded by Mike Gardner, and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: S. Housman, E. Campos, B. Magee, R. O’Neill, B. Scott, R. Moran, E. Zanowic, M. Gardner, D. West, J. Ehrenkranz, C. Cunningham, M. Rosen

Nays: None

Absent: D. Fahrion, R. Schmid, F. Riddle, J. Reyes, J. Van Wagenen, M. Arciniega, C. Showalter, A. Villa


Diane Sloan
Executive Assistant

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At this time, staff is recommending the LTF take an “oppose unless amended” position as curbside collections should not be forced upon local jurisdictions. Depending upon the locale, there may be other more cost effective and well attended services, such as temporary collection events and permanent collection facilities (many of which have already been built at considerable expense). Clarifying language should be added to the bill that allows for local control and flexibility in managing this waste stream; not dictating that curbside should be the principal method of collection.

The Riverside County Board of Supervisors has already sent formal letters taking an oppose unless amended position and staff recommends that the LTF send a similar letter.

Support:

Eli Lilly and Company

Biocom

Biotechnology Industry Association

California Cable & Telecommunications Association

California Healthcare Institute

TechNet

Opposition:

Riverside County Board of Supervisors

California Product Stewardship Council

California State Association of Counties

Alameda County Board of Supervisors

Cities of Burbank, Diamond Bar, Lawndale, Paramount, Roseville, Santa Monica, and Torrance

Counties of San Bernardino and Tulare

Marin County Board of Supervisors

Lincoln Police Department

Los Angeles County

Los Angeles County Integrated Waste Management Task Force

Rocklin Police Department

Roseville Police Chief

Rural County Representatives of California

Placer County Board of Supervisors

Sacramento County Board of Supervisors

Santa Clara County Board of Supervisors

Solid Waste Association of North America, California Chapters

Stanislaus County Board of Supervisors

Urban Counties Caucus

Western Pacer Waste Management Authority



COUNTY OF RIVERSIDE

May 21, 2015

The Honorable Jimmy Gomez, Chair
Assembly Appropriations Committee
State Capitol Building, Room 2114
Sacramento, CA 95814

**RE: AB 45 (Mullin) – Household Hazardous Waste
As Amended on April 23, 2015 – OPPOSE UNLESS AMENDED
Referred to the Assembly Environmental Safety and Toxic Materials**

Dear Assembly Member Gomez:

On behalf of the Riverside County Solid Waste Management Advisory Council/Local Task Force (Task Force), I write to respectfully express our opposition, unless amended, to AB 45 by Assembly Member Kevin Mullin. The Task Force is a 22-member body whose diverse membership includes representatives of supervisorial districts, cities whose population exceeds 100,000, Western Riverside Council of Governments, Coachella Valley Council of Governments, the waste management industry, the environmental community, and the agriculture industry. The Task Force considers a broad scope of waste management and recycling issues in its efforts to advise the County Waste Management Department and the Board of Supervisors in ensuring a coordinated, cost-effective, and environmentally sound solid waste management system in Riverside County.

The Task Force recognizes the need to increase collection and ensure for the proper management of HHW, as these products, when improperly disposed of, create a health and safety issue for our communities. However, we have strong objections to the approach outlined in this bill. This bill would require jurisdictions to create a household hazardous waste (HHW) base line and to meet a 15% diversion requirement for HHW collection. The bill also allows the Department of Resources, Recycling and Recovery (Cal Recycle) to create a model ordinance for a comprehensive HHW diversion program.

The model ordinance will: "(E)stablish curbside household hazardous waste collection programs...as (one of) the principal means of collecting household hazardous waste...". Please consider the environmental and health hazards created by curbside collection of Household Hazardous Waste. "Curbside Collection" means a colored bin or can sitting in the gutter on the public streets. It would be just a different colored garbage can. It will sit on the street, unsupervised for hours or overnight, exposed to animals, children, rain and wind. Trust your own experience driving around on "trash day" morning. You see bins, cracked, broken, the tops open with the contents scattered on the ground or leaking into the gutter. Whatever container is designed and distributed it will break down with normal wear and tear.

Remind yourself of what is included in "Household Hazardous Waste" scattered on the ground or leaking in the gutters. Household Hazardous Waste includes motor oil, brake fluid, anti-freeze, paint, paint thinner and other flammable liquids. These will be a fire hazard sitting in bins on the street in residential neighborhoods. The unintended mixing of chemical household products creating toxic or explosive compounds. Ask yourself, what if someone's pet laps up a puddle of anti-freeze and dies? What if these volatile chemicals evaporate inside a container on a hot summer day and spontaneously burst into flames or explode? Household Hazardous Waste includes used medical items, hypodermic needles and intravenous apparatus stained with blood potentially starting an epidemic. What if a container leaks and a child or pet tracks the contaminated medical waste into their home?

These examples do not include delinquent, malicious or terrorist activities. But when these Hazardous materials are left unsupervised on the street, that cannot be prevented.

If we could overcome the risk of Household Hazardous Waste sitting for hours unsupervised and unprotected on the streets, we still have to solve the dangers of the collection, dumping the bins into the trucks. Then it will have to be sorted by hand at the collection site. Curbside collection of recyclables has proven the general public is not a reliable quality control engineer. Despite many years of practical experience, recyclables have to be separated by people at the transfer station or landfill. Consider the dangers when Household Hazardous Waste and other trash are mixed in curbside bins. This mess has to be sorted at the collection center.

In the clean air conditioned atmosphere of regulation drafting, phrased in cold scientific engineering abbreviations, it is easy to forget what this stuff really is and how explosive or epidemically dangerous it is if mishandled. Curbside collection is an invitation to unsupervised and unprotected mishandling just outside the windows and doors of people's homes and workplaces. There, Household Hazardous Waste becomes a very real and potentially catastrophic danger.

Now, we will turn to the present process for collecting Household Hazardous Waste (HHW) and the costs of the door to door and residential pick up services also proposed by AB 45.

Cities and counties are currently required to prepare, adopt, and submit to Cal Recycle a Household Hazardous Waste Element (HHWE), which identifies a program for the safe collection, recycling, treatment, and disposal of hazardous wastes that are generated by households. The HHWE specifies how HHW must be collected, treated, and disposed. In addition, local jurisdictions are required to report to Cal Recycle how much HHW they collect annually. Thus, jurisdictions across the state have developed comprehensive programs to collect and manage HHW, each tailored to the needs of their respective community.

Many jurisdictions have implemented several different types of programs to increase convenience to the consumer. These methods include weekly HHW mobile events where residents can drop off their materials at a specified location, permanent collection centers,

and door-to-door pickup service. However, due to the immense cost to manage HHW, local programs cannot afford to collect everything.

In addition to local programs, the State has required manufacturers of certain products, including paint, which is banned from our landfills, to create and fund a product stewardship plan for the end-of-life management of their product, commonly referred to as Extended Producer Responsibility (EPR). In this model, the manufacturer is required to fund and operate collection programs for the products they produce. In the instance of paint, manufacturers have come together to form a joint product stewardship organization that offers convenient collection at no cost to the consumer at many retail paint establishments, such as Sherwin Williams and Kelly Moore paint stores. Since its inception, the paint stewardship program has saved Riverside County over \$490,000.

In light of this demonstrated significant savings, the Task Force strongly supports the concept of EPR. While this model may not be appropriate for all products, EPR is an excellent tool to employ for the producers of toxic and expensive-to-manage products, requiring the industries that profit from these products to have a stake in their proper management and disposal. Furthermore, this model incentivizes producers to incorporate environmental considerations in their design process, creating healthier products that are less toxic to our environment.


We believe that AB 45 would have the opposite effect on California's HHW management system. Requiring local jurisdictions to increase diversion of HHW by 15% above a calculated base line amount, removes all incentive for the creation of additional EPR programs in California. HHW management is a very expensive process as these toxic products require very specific handling and local governments and tax payers should not have to bear the entire burden of managing these products. Furthermore, HHW is much different than municipal solid waste and creating targets for diversion is more complicated than household garbage. HHW includes a number of different products, including fluorescent lamps and tubes, various chemicals, sharps, pharmaceuticals and more. Households consume varying amounts of these types of products and hold onto them for varying amounts of time, thus making the development of a baseline difficult.

Finally, we do not agree with the assertion that a comprehensive HHW collection mandate by the State that in essence dictates curbside or door-to-door by default is desirable or preferred. It **should not** be the stated intent of the Legislature "to enact legislation that would establish curbside household hazardous waste collection programs, door-to-door household hazardous waste collection programs, and household hazardous waste residential pickup services as the principal means of collecting household hazardous waste and diverting it from California's landfills and waterways." While several jurisdictions have implemented these types of programs, they are often more expensive to the rate payer and more time intensive than other methods. We do not believe it is an effective use of CalRecycle resources to develop a model ordinance. CalRecycle currently manages a small HHW grant program to help local governments establish or expand HHW collection programs. We believe that resources would be better spent by augmenting this grant program to help jurisdictions increase hours of operation and frequency of collection events.

Letter to The Honorable Jimmy Gomez, Chair
Assembly Appropriations Committee
May 21, 2015
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It is for these reasons that we must respectfully oppose AB 45, unless further amended to address the Task Force concerns.

Sincerely,



Simon Housman, First-Vice Chairman
Riverside County Solid Waste
Management Advisory Council/Local Task Force

cc: Riverside County Board of Supervisors
Members of the Assembly Committee on Appropriations (Fax: 916-319-2181)
Chad Mayes, 42nd Assembly District
Eduardo Garcia, 56th Assembly District
Eric Linder, 60th Assembly District
Jose Medina, 61st Assembly District
Melissa Melendez, 67th Assembly District
Brian W. Jones, 71st Assembly District
Marie Waldron, 75th Assembly District