



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

August 20, 2012

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To: Supervisor Zev Yaroslavsky, Chairman
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From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

Executive Summary

This memorandum contains a report on the following:

- **Pursuit of County Position to Oppose AB 845 (Ma).** This bill would prohibit an ordinance enacted by a city or county from otherwise restricting or limiting the importation of solid waste into a privately owned solid waste facility in that city or county based on place of origin. AB 845, which previously addressed high speed train legislation, was gutted and amended on August 14, 2012 and now contains language identical to County-opposed AB 1178 (Ma). Therefore, consistent with the Board's action of July 11, 2011 to send a five-signature letter opposing AB 1178, and consistent with Board adopted policies to oppose legislation that infringes upon county board of supervisors' local land use decision-making authority, **unless otherwise instructed by the Board, the Sacramento advocates will oppose AB 845.**

Pursuit of County Position on Legislation

AB 845 (Ma), which as amended on August 14, 2012, would prohibit an ordinance enacted by a city or county, including an ordinance enacted by initiative by the voters of

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a city or county, from otherwise restricting or limiting the importation of solid waste into a privately owned solid waste facility in that city or county based on place of origin.

The bill includes language indicating that this prohibition does not: 1) require a privately owned or operated solid waste facility to accept certain waste; 2) allow a privately owned solid waste facility to abrogate certain agreements; 3) prohibit a city, county, or regional agency from requiring a privately owned solid waste facility to guarantee permitted capacity to a host jurisdiction; or 4) otherwise supersede or affect the land use authority of a city or county.

AB 845 also contains the Legislature's declaration that restrictions on the disposal of solid waste that discriminate on the basis of the place of origin of the waste are an obstacle to, and conflict with, statewide and regional policies to ensure adequate and appropriate capacity for solid waste disposal.

AB 845 was gutted and amended on August 14, 2012, replacing its previous language regarding the Safe, Reliable High Speed Passenger Train Bond Act with language of **County-opposed AB 1178**. On July 11, 2011, the Board approved a motion authorizing a five-signature letter opposing AB 1178. This action was consistent with Board adopted policy to oppose legislation that infringes upon county board of supervisors' local land use decision-making authority.

The Department of Public Works (DPW) recommends that the County oppose AB 845 and this office concurs. This measure will usurp local authority and eliminate the existing flexibility in the County's ordinance process to impose conditions addressing the controlled flow of solid waste by taking away the local land use authority from local governments to restrict waste at certain privately owned solid waste facilities based on its origin.

In addition to violating local land use authority, DPW states that AB 845: 1) has vaguely phrased exemptions from the mandate that will likely create conflict among various parties leading to litigation; 2) creates an obstacle to solid waste management planning; and 3) uses statewide application of law to address a specific local matter.

The Department of Public Works indicates that it is difficult to determine the level of impact on the net flow of waste into or out of the County since it largely depends on market conditions which are beyond the County's control. Increases in the importation of waste may accelerate the usage of in-County landfills, thereby reducing their anticipated life spans. Furthermore, an increase in this rate of importation may, in certain situations, contribute to increases in truck traffic, congestion and pollution to the detriment of local communities.

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As part of the responsibility to protect public health and safety, local governments are authorized to make adequate provision for solid waste handling within their respective jurisdictions. Local governments perform these critical functions through permits, franchises, and other means, such as ordinances to regulate solid waste facilities, landfills, transfer stations, and materials recovery facilities. Through the ordinance process, Los Angeles County has the authority to establish waste-shed restrictions for solid waste facilities to address community concerns, and establish regulations which are in the best interest of the County and its residents.

The Department of Public Works and this office oppose AB 845. Therefore, consistent with the Board's action of July 11, 2011 to send a five-signature letter opposing AB 1178, and consistent with Board adopted policies to oppose legislation that infringes upon county board of supervisors' local land use decision-making authority, **unless otherwise instructed by the Board, the Sacramento advocates will oppose AB 845.**

Support and opposition for AB 845 is unknown at this time. However, AB 1178 was supported by numerous groups, including: California Refuse Recycling Council (source); California Association of Sanitation Agencies; City of Fairfield; City of Vacaville; County of Sacramento Board of Supervisors; East Bay Sanitation Company; Elk Grove Waste Management; National Solid Waste Management Association; San Luis Obispo County Integrated Waste Management Authority; Southern California Disposal and Recycling Co., Inc.; and the Vacaville Chamber of Commerce, among others. AB 1178 was opposed by: Alameda County; California League of Conservation Voters; City of Glendale; Kern County Board of Supervisors; League of California Cities; Los Angeles County Solid Management Authority; Merced County Regional Waste Management Authority; Natural Resources Defense Council; Orange County Board of Supervisors; Riverside County Waste Management Department; Sierra Club California; and Solid Waste Association of North America, among others.

AB 845 is on the Senate third reading file. If approved, the measure would be sent to the Assembly for concurrence.

We will continue to keep you advised.

WTF:RA
MR:AO:ma

c: All Department Heads
Legislative Strategist