



DEPARTMENT OF
PUBLIC WORKS

OFFICE OF THE DIRECTOR

CITY OF SACRAMENTO
CALIFORNIA

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SACRAMENTO, CA
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March 15, 1990

Law and Legislation Committee
Sacramento, California

HONORABLE MEMBERS IN SESSION:

SUBJECT: RECOMMENDATION TO OPPOSE AB 2641 (WRIGHT) RELATING TO HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAMS

SUMMARY

Assembly Bill 2641 by Assemblywoman Cathie Wright (R-Simi Valley) would require any city or county which operates a household hazardous waste (HHW) collection program to allow businesses which generate less than 100 kilograms of hazardous waste per month to participate in the program. This legislation would place a burden on the City's current drop-off center program and could result in a significant increase in program costs. This report recommends that the Law and Legislation Committee declare the City's opposition to AB 2641.

BACKGROUND

The City currently cooperates with the County in providing household hazardous waste collection at drop-off centers on a monthly basis. The program is a cooperative effort by the City Fire Department, Solid Waste Division, and County of Sacramento. Funding for the contractor who disposes of the waste is provided from the Solid Waste Fund; both the Fire Department and the Solid Waste Division contribute staff time, equipment and vehicles in support of the collection program.

While the proper disposal of commercially generated hazardous waste is an issue of concern to cities and counties, simply requiring local agencies to accept such waste as a part of their residential programs is an approach fraught with problems. Among the concerns with AB 2641:

1. The legislation requires local agencies to accept hazardous waste only from businesses which generate less than 100 kilograms of hazardous waste per month. This would mean that the coordinator of the household hazardous waste drop off day would have the impossible task of determining a contractor's monthly generated waste. The material would be collected on the basis of the driver's ability to answer questions regarding the monthly waste generated by his company. In many instances, the driver would have no idea if the 100 kilogram monthly limit had been exceeded, as this might vary from month to month.

2. The response to the current drop-off days has been very positive. The staff have had to work hard to accommodate the crowds and insure that cars do not back up into the streets. Publicity has been minimal, as the program is simply not large enough to handle many more people than are already participating. If businesses were allowed to dispose of waste materials at the household events, the annual budget would be extremely high. The Solid Waste fund currently provides the \$65,000 for the program budget. The possibility of assessing a direct "fee" for recoverable costs would have to be addressed if we are to keep the program up and running.
3. The increased amount of material collected would put a strain on the resources currently available to dispose of the hazardous material in a one day event. It would be more appropriate to address the issue of commercial waste when a permanent collection site is established in the future.
4. Presently, the Sacramento City Fire Department, City of Sacramento Solid Waste Division, and the County of Sacramento Environmental Management Division are absorbing the manpower costs of running the program. The addition of contractor generated materials could place an enormous added burden on these department's budgets.

Rather than mandating that local agencies include commercially generated material in their household hazardous waste collection programs, the state should allow cities and counties the flexibility to address the specific needs of their communities.

FINANCIAL IMPACT

If AB 2641 becomes law, the City's costs for providing the HHW collection program would significantly increase. This would require either a Solid Waste rate increase or a mechanism to collect fees from commercial generators at the drop-off site.

MBE/WBE

No impact.

POLICY CONSIDERATIONS

Opposition to AB 2641 is consistent with section 7.9 (a) and (b) of the City's Legislative Policy Guidelines which state that the City shall:

- (a) Oppose legislation which will mandate local governments to incur costs and which do not include an appropriation to reimburse local agencies for such costs.
- (b) Oppose legislation which will reduce the options, methods, alternatives and flexibility available to the City in dealing with problems, issues and policies of local government.

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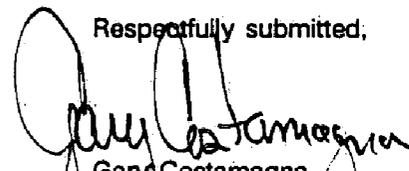
RECOMMENDATION

It is recommended that the Law and Legislation Committee declare the City's opposition to AB 2641 (Wright) relating to household hazardous waste collection programs.

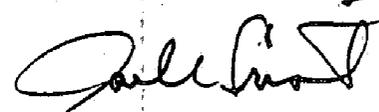
Respectfully submitted,


Melvin H. Johnson
Director of Public Works

Respectfully submitted,


Gary Costamagna
Fire Chief

RECOMMENDATION APPROVED:


For Selon Wisham, Jr.
Assistant City Manager

Contact Persons:
Jim Graham, Fire Captain 449-5266
Roberta Larson, Administrative Services Officer
449-5877

March 15, 1990
ALL DISTRICTS

RL2-LL3.15B

City of Sacramento
State Legislature

BILL REFERRAL

DATE: March 15, 1990 COMMITTEE ACTION: _____

TO: Mei Johnson, Public Works DATE: March 15, 1990

FROM: **KENNETH EMANUELS, LEGISLATIVE ADVOCATE**

REPLY NO LATER THAN: February 14, 1990

A.B. 2641, As Amended 1-22-90 * Author Wright

S.B. _____, As Amended _____ * Author _____

* Date of introduction or latest amendment

Please review the attached measure to determine its effect upon the City of Sacramento and complete the following questions as appropriate. During your analysis of this measure, if questions arise, please feel free to contact Ken Emanuels at 444-6789, FAX 444-0303, (1400 K Street, Suite 306, Sacramento, CA 95814.) This questionnaire should be returned to the City Attorney's Office for presentation to the Council Committee on Law and Legislation. **PLEASE LEAVE THE BILL ATTACHED TO THIS FORM**

NO RECOMMENDATION. If you think no Committee action on this bill should be taken, either because the bill is not of sufficient importance to the City or for any other reason, please mark here, do not fill out the rest of the form, and return this form to the City Attorney's Office. _____

PLEASE TYPE YOUR RESPONSE

1. Briefly describe the provisions of the bill (attach additional sheets if necessary).

Under current law, cities and counties are required to prepare and adopt a source reduction and recycling element for a county-wide integrated waste management plan. The element must contain a household hazardous waste collection program. AB 2641 (Wright) would require any city or county which operates a household hazardous waste program to allow businesses to participate in the program.

2. Should this measure be: (Please circle desired position)

Supported

Opposed

Supported if Amended

Placed on Watch List

Other (explain)

3. Please explain your reasons for the above determination, including how this measure affects your Department and the fiscal impact of this measure to the City. (Your analysis will be used in communicating with the Governor and the Legislature, so please make your comments in a format that can be used in a letter to those officials.) (Attach additional sheets if necessary.)

See attached.

3. (Attachment)

The City currently cooperates with the County in providing household hazardous waste collection at drop-off centers on a monthly basis. The program is a cooperative effort by the City Fire Department, Solid Waste Division, and County of Sacramento. Funding for the contractor who disposes of the waste is provided from the Solid Waste Fund; both the Fire Department and the Solid Waste Division contribute staff time, equipment and vehicles in support of the collection program.

While the proper disposal of commercially generated hazardous waste is an issue of concern to cities and counties, simply requiring local agencies to accept such waste as a part of their residential programs is an approach fraught with problems. Among the concerns with AB 2641:

1. The legislation requires local agencies to accept hazardous waste only from businesses which generate less than 100 kilograms of hazardous waste per month. This would mean that the coordinator of the household hazardous waste drop off day would have the impossible task of determining a contractor's monthly generated waste. The material would be collected on the basis of the driver's ability to answer questions regarding the monthly waste generated by his company. In many instances, the driver would have no idea if the 100 kilogram monthly limit had been exceeded, as this might vary from month to month.
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4. Presently, the Sacramento City Fire Department, City of Sacramento Solid Waste Division, and the County of Sacramento Environmental Management Division are absorbing the personnel costs of running the program. The addition of contractor generated materials could place an enormous added burden on these department's budgets.

Rather than mandating that local agencies include commercially generated material in their household hazardous waste collection programs, the state should allow cities and counties the flexibility to address the specific needs of their communities.

4. Specify the City's legislative policy guideline(s) applicable to this measure (if any).

7.9 (a) Oppose legislation which will mandate local governments to incur costs and which do not include an appropriation to reimburse local agencies for such costs.

7.9 (b) Oppose legislation which will reduce the options, methods, alternatives and flexibility available to the City in dealing with problems, issues and policies of local government.

5. If this measure could be amended to either improve its favorable aspects or to minimize its adverse aspects, which amendments would you propose?

The bill could be amended to include an appropriation to cover the cost of implementation.

6. List known support or opposition to this measure by groups with which you are familiar and include addresses and phone numbers, if known. League of California Cities position: Position pending

7. Does this bill involve a State-mandated local program? If so, does the bill contain a State-mandated waiver, or an appropriation for allocation and disbursement to local agencies pursuant to Revenue and Taxation Code Section 2231?

Yes; the bill provides no appropriation because the City will be able to pass its costs on to the ratepayers.

8. Using a rating scale of 1 to 10 (with 10 as the most important), how important do you think this bill is to the City of Sacramento. 9

FORM COMPLETED BY: Fire Capt. Jim Graham DATE: 3/06/90
Roberta Larson, Public Works

ASSEMBLY BILL

No. 2641

Introduced by Assembly Member Wright

January 22, 1990

An act to add Section 25158.1 to the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2641, as introduced, Wright. Hazardous waste: household collection programs: businesses.

(1) Existing law requires cities and counties to prepare and adopt a source reduction and recycling element for a countywide integrated waste management plan. The element is required to include a program and implementation schedule for the collection, treatment, and disposal of hazardous waste generated by households.

This bill would require the State Department of Health Services to require any city and county which operates a household hazardous waste program to allow businesses which generate under a specified quantity of hazardous waste per month to participate in that program, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25158.1 is added to the Health
2 and Safety Code, to read:

3 25158.1. The department shall require any county or
4 city which operates a program for the collection,
5 treatment, and disposal of hazardous wastes generated by
6 residences to allow businesses which generate less than
7 100 kilograms of hazardous waste per month to
8 participate in the program.

9 SEC. 2. No reimbursement is required by this act
10 pursuant to Section 6 of Article XIII B of the California
11 Constitution because the local agency or school district
12 has the authority to levy service charges, fees, or
13 assessments sufficient to pay for the program or level of
14 service mandated by this act. Notwithstanding Section
15 17580 of the Government Code, unless otherwise
16 specified in this act, the provisions of this act shall become
17 operative on the same date that the act takes effect
18 pursuant to the California Constitution.

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