

Model Staff Report

Inter-Departmental Correspondence

Department of Public Works

February 2009

TO: Honorable Board of Supervisors
FROM: Director of Public Works
SUBJECT: New Per Capita Disposal Measurement System

Summary:

The California Integrated Waste Management Act of 1989 (AB 939) requires each jurisdiction to divert 50 percent of its solid waste from being disposed in landfills. This staff report informs you of recently enacted legislation that changes the measurement system and reporting.

The new per capita disposal measurement system (SB 1016, Wiggins, Chapter 343, Statutes of 2008) became effective January 1, 2009. It builds on AB 939 compliance requirements by implementing a simplified measure of local jurisdictions' performance. SB 1016 accomplishes this by changing to a disposal-based indicator: the per capita disposal rate, which uses only two factors: a jurisdiction's population and its disposal as reported by disposal facilities. It creates a clearer picture of where we stand in our waste reduction efforts, but most importantly, SB 1016 makes it easier to see where improvements are needed, and frees up resources to address those areas.

The overall mandate has not changed. What has changed is how each jurisdiction's progress is measured to reach the 50 percent goal for diverting waste from landfills. This measurement is no longer determinative of compliance. An important point to remember is that if a jurisdiction was at 50 percent under the old system, it is at 50 percent under the new system.

In order for the California Integrated Waste Management Board (CIWMB) and jurisdictions to more properly focus on successful program implementation, SB 1016 shifts from the historical emphasis on using calculated generation and estimated diversion to using annual disposal as a factor when evaluating jurisdictions' program implementation. Overall benefits of the new approach include:

- Focuses on diversion program implementation
- Increases simplicity and timeliness of goal measurement
- Allows for city, county or regional agency growth
- Saves money and time by eliminating complex calculations
- Increases CIWMB staff field presence
- Adjusts CIWMB review schedule for cities, counties, and regional agencies. **Note: To the local jurisdiction representative—We recommend that you highlight the scenario below that your City falls into.**

1. Jurisdictions that met their diversion goal and are implementing their programs in the CIWMB 2005-06 Biennial Review are now on a four-year CIWMB review cycle (over 350 jurisdictions).
2. Jurisdictions that did not meet the diversion requirement, are implementing their diversion programs, and were deemed a good faith effort in the CIWMB 2005-06 Biennial Review are now on a two-year CIWMB review cycle (56 jurisdictions).
3. Jurisdictions that are currently on a compliance order remain on their specified review schedule.

BACKGROUND:

SB 1016 builds on AB 939 compliance requirements by implementing a simplified measure of local jurisdictions' performance. SB 1016 accomplishes this by changing to a disposal-based indicator: the per capita disposal rate. In order to shift to this new system, we need to have a measurement that translates AB 939's diversion goal into disposal-based language. This is the "50 percent equivalent per capita disposal target" -- the amount of disposal that is approximately equivalent to our jurisdiction's current 50 percent diversion requirement. The CIWMB has calculated this target for each jurisdiction. Under the new measurement system, to meet the 50 percent target, a jurisdiction needs to annually dispose of an amount equal to or less than its 50 percent equivalent per capita disposal target. **Note to the Local Jurisdiction Rep: You might want to include your jurisdiction's 50 percent equivalent target compared to your 2007 annual per capita disposal rate to show your elected officials where your jurisdiction stands—for this info see your 2007 Electronic Annual Report or contact your LAMD representative. Also, if you still need to calculate a diversion rate, a blank calculator and a link to the adjustment factors will still be made available to jurisdictions.**

The new per capita disposal rate approach is **not** determinative of a jurisdiction's compliance. The CIWMB will use each jurisdiction's annual per capita disposal as an indicator in evaluating program implementation. The CIWMB's evaluation will be focused on how jurisdictions are implementing programs that they chose. The review of each jurisdiction's compliance will still be on a case-by-case basis. Cities, counties, and regional agencies **will not and cannot** be compared to others or to a statewide average. Each jurisdiction's 50 percent equivalent per capita disposal target is unique because the target is based upon a jurisdiction's unique base-year generation.

CIWMB's goal is not only to assist local jurisdictions in the development and implementation of waste reduction programs, but also to provide assistance when those programs are not working as they should. If a jurisdiction is not meeting its 50 percent equivalent per capita disposal target, CIWMB staff will work to help determine why that may be and work with the jurisdiction to make any necessary program modifications.

The change in measurement does change how we look at the numbers; however, the intent remains the same – waste reduction. Under the old system, if a jurisdiction diverted 50 percent or MORE of its waste, it had met its mandate and was moving in the right direction. Now, under SB 1016, if our annual disposal rate is at or BELOW our 50 percent equivalent per capita disposal target, that is a good thing and is an indicator of program performance. In short, the lower the annual disposal rate, the less waste we are generating, and thus the better we are doing.

Financial Impact: There is no negative financial impact resulting from SB 1016.