



April 28, 2015

VIA FACSIMILE (916) 319-3950

The Honorable Luis A. Alejo, Chair
Assembly Environmental Safety and Toxic Materials
1020 N Street, Room 171
Sacramento, CA 95814

SUBJECT: AB 45 (MULLIN) AS AMENDED 4/23/15 – OPPOSE

Dear Assembly Member Alejo:

Delta Diablo regrettably opposes AB 45, which would mandate cities and counties that provide residential collection and disposal of solid waste to create a household hazardous waste (HHW) baseline and to meet a 15% increase in diversion requirement for HHW collection.

Delta Diablo is a California special district that provides water resource recovery services to the City of Antioch, the City of Pittsburg, and the unincorporated community of Bay Point. The water resource recovery services consist of secondary treatment of wastewater, recycled water production and distribution, pollution prevention, energy recovery, beneficial reuse of biosolids, street sweeping, and household hazardous waste collection. Serving nearly 200,000 residents and encompassing 54 square miles, Delta Diablo, hereinafter referred to as District, is an award-winning agency with a mission to protect public health and the environment.

The District has been operating its HHW Program since 1996 and operates one-day collection events in addition to a full-scale permanent collection facility. Over the years, the program has grown and added days and hours of operation, partially to accommodate the growing list of products that are continually added to the hazardous waste stream. The current operating costs of the program are \$630,000 per year, and capital investments over the years are in excess of \$1.7 million. While HHW Programs run by local government fill an important need, they are neither the most convenient nor most cost-effective method of HHW collection.

The District's experience with HHW collection spans the operation of a permanent facility, implementation of one-day temporary collection events, and partnership with local retail establishments. The District's HHW Program also includes a provision to provide door-to-door service, but has not implemented the option because of the high expense. In the District's experience, the most effective form of collection has been the retail take back locations.

As AB 45 currently stands, the 15% increase in collection over baseline has a number of issues as summarized below:

- Source Reduction is the key – As with decades of experience in the treatment of wastewater and pollution prevention, the most cost-effective way of removing toxics and pollutants is to eliminate the source. This necessitates that manufacturers be involved in the process and supports such efforts as California’s Green Chemistry Initiative.
- Good performers would be penalized – Well performing HHW Programs would be punished for their historical good performance. The District’s HHW Program has been operating for over 18 years and has experienced a 2,000% increase in participation over that time. Last year, the program experienced its first slight decrease in participation, but it does not necessarily indicate a poorly performing program. Additionally, an effective HHW Program promotes source reduction and therefore tries to reduce the amount of waste collected.
- Tonnage can be misleading – Some HHW Programs accept electronic waste and some do not. The District has been collecting electronic waste for nearly a decade and has seen a drop in electronic waste collected simply because of advancing technology and smaller, lighter devices.
- Curbside Concerns – While curbside collection is convenient for residents, it is expensive and there are safety and environmental issues with certain types of HHW being left out on the street with exposure to the elements.
- Fair Distribution of Costs – Historical experience has shown that payment at the point of disposal severely decreases the likelihood of proper HHW management. Therefore, HHW Programs conduct “free” collections with the actual disposal and operating costs being spread amongst the entire population. In fairness, the cost of the disposal should be borne by the people using and profiting from the product. If a resident does not generate hazardous waste, they should not have to pay for its disposal.

The District is a strong supporter of “Product Stewardship” which is voluntary reduction of impacts and increased reuse and recycling. When that does not happen or companies ask for a fair a level playing field such as the thermostat and paint industries did, the District supports Extended Producer Responsibility (EPR), which is legislated to provide a level playing field for the manufacturers to design, operate, and finance a take-back program for a portion of their products in accordance with enforceable performance metrics. At minimum, the District believes in the sharing of the responsibility between local governments, manufacturers, retailers and others for the proper management and disposal of HHW. The District’s opposition to AB 45 is based in the fact that the bill currently places all of the responsibility on local governments without any sharing of responsibility.

While the District shares the concern about the safe and proper management of HHW and the desire to increase collection rates, we disagree with the method of increasing collection. The District believes that the most cost-effective way of increasing convenience and collection rates is to incorporate a producer responsibility approach to product management.

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In addition, the District believes that EPR is a vital component of the state's hazardous waste reduction strategy. EPR provides an incentive to manufacturers to make their products less toxic and easier to process at the end of the product's useful life otherwise known as source reduction. That is because the cost of managing a portion of the end-of-life impacts is imbedded in the bottom line of the manufacturer, and reductions in that cost is immediately incentivized. The District believes that source reduction is a vital component of any legislation to deal with the effective management of HHW or any product that becomes waste.

Thank you for your attention to this important issue of household hazardous waste. However, for the reasons outlined above, we must respectfully oppose AB 45 as it is currently drafted.

Sincerely,



Gary W. Darling
General Manager

AWR/GWD:lk

cc: Members, Assembly Environmental Safety and Toxic Materials Committee
Assembly Member Kevin Mullin
Mike Bakaldin, Deputy General Manager, Delta Diablo
Dean Eckerson, Resource Recovery Services Director, Delta Diablo
Phil Govea, Engineering Services Director, Delta Diablo
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