



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Resolution of Support for the Development of Legislation to Limit Waste Diversion Requirements to Class III Type Waste

MEETING DATE: March 17, 1999

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt the attached resolution supporting the development of legislation to limit waste diversion requirements to Class III type waste.

BACKGROUND INFORMATION: In 1989, the California State Legislature adopted the Integrated Waste Management Act which required cities and counties to divert 25% of their Class III type waste stream by 1995, and 50% by 2000. Class III is nonhazardous and nontoxic wastes which include residential, commercial and industrial waste. The purpose of the recycling law was to encourage Class III waste recycling and volume reductions. Cities and counties proceeded to develop strategies in order to meet their State-mandated goals.

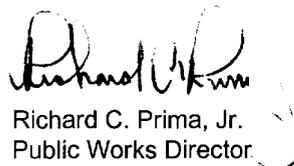
In 1993, the Class III definition for landfills was eliminated (perhaps unintentionally) when the Legislature repealed the chapter which contained the referenced definition. However, the code continued to reference the repealed Class III definition. This reference was finally eliminated in 1996.

The California Integrated Waste Management Board (CIWMB) staff has determined that jurisdictions must now include both Class II and Class III type waste when they calculate waste diversion goals. This means that Class II type waste must now be diverted as well as Class III waste. Class II waste includes sludge, ash, asbestos, wood contaminated with lead-based paints and preservatives, medical wastes and petroleum contaminated soil. Since most of the Class II waste is not divertable, it must be landfilled. Jurisdictions will have to divert more of the Class III waste to compensate for the Class II being landfilled. In 1997, Lodi's diversion rate dropped only 2%, from 32% to 30%, when Class II was included. However, one jurisdiction in San Joaquin County will drop from 28% to 70%, which is the most significant change.

San Joaquin County has been working with the CIWMB and its staff to find an administrative solution to this problem. This has led to a general belief by Board staff that a legislative fix is needed. Accordingly, legislation is required that limits waste reporting to Class III type waste only for purposes of calculating the Act's waste division mandates.

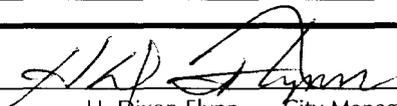
San Joaquin County's Integrated Waste Management Task Force Planning Committee has met and discussed this issue. The Committee recommends that the cities and the County of San Joaquin proceed with actions appropriate to bring about such legislation. Adoption of this resolution lends Lodi's support to this action.

FUNDING: Not applicable.


Richard C. Prima, Jr.
Public Works Director

Prepared by Sharon Blaufus, Administrative Assistant
RCP/SB/lm
Attachment
cc: City Attorney
San Joaquin Integrated Waste Manager

APPROVED: _____


H. Dixon Flynn -- City Manager

RESOLUTION NO. 99-45

A RESOLUTION OF THE LODI CITY COUNCIL SUPPORTING THE
DEVELOPMENT OF LEGISLATION THAT LIMITS WASTE DIVERSION
REQUIREMENTS TO CLASS III TYPE WASTE

=====

WHEREAS, the California Integrated Waste Management Act of 1989 (ACT) requires each County for its unincorporated areas, and each City to divert from landfilling, twenty-five percent of its solid waste stream by 1995 and fifty percent by the year 2000; and

WHEREAS, the ACT, in defining landfills, referenced Section 46027 of the Public Resources Code which states that "solid waste landfill means a disposal facility that accepts solid waste and which meets the requirements of a class III landfill..."; and

WHEREAS, the County and each City within the County, acting in good faith, prepared and adopted individual Source Reduction and Recycling Elements, and Nondisposal Facility Elements, and jointly prepared and adopted a Countywide Household Hazardous Waste Element which presented plans of action to achieve waste diversion goals for class III type waste; and

WHEREAS, the County and each City within the County, acting in good faith, invested considerable resources in the development of infrastructure and programs aimed at achieving waste diversion goals for class III type waste; and

WHEREAS, Assembly Bill 1220, enacted in 1993, repealed the Solid Waste Disposal Cleanup and Maintenance Act, which contained the §46027 which limited the definition of landfills to class III landfills; and

WHEREAS, the California Integrated Waste Management Board has indicated that legislation now requires the County and each City within the County to include both class II and III type wastes in diversion calculations; and

WHEREAS, such requirement to include class II type waste in diversion calculations places an unreasonable burden upon the County and each City within the County; and

WHEREAS, the San Joaquin County Integrated Waste Management Task Force recommends that legislation be developed which limits waste disposal reporting to class III type waste for purposes of the ACT.

NOW, THEREFORE, BE IT RESOLVED that the City of Lodi hereby supports the development of legislation which limits waste diversion requirements to class III type waste for purposes of the ACT; and

BE IT FURTHER RESOLVED that the Public Works Director is hereby authorized to send letters of support to legislators, State agencies, and associations as appropriate, encouraging the development and eventual passage of beneficial legislation that limits waste diversion requirements to class III type waste.

Dated: March 17, 1999

=====

I hereby certify that Resolution No. 99-45 was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 17, 1999 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Mann, Nakanishi, Pennino
and Land (Mayor)

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


ALICE M. REIMCHE
City Clerk

CITY COUNCIL

KEITH LAND, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
SUSAN HITCHCOCK
ALAN S. NAKANISHI
PHILLIP A. PENNINO

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710

H. DIXON FLYNN
City Manager
ALICE M. REIMCHE
City Clerk
RANDALL A. HAYS
City Attorney

March 11, 1999

Mr. Tom Horton
Integrated Waste Manager
c/o San Joaquin County
Public Works Department
P. O. Box 1810
Stockton, CA 95201-1810

SUBJECT: Resolution of Support for the Development of Legislation to Limit Waste Diversion Requirements to Class III Type Waste

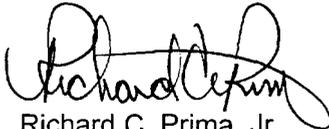
Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, March 17, 1999. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Alice Reimche, City Clerk, at 333-6702.

If you have any questions about the item itself, please call Sharon Blaufus at 333-6800, ext. 658.



Richard C. Prima, Jr.
Public Works Director

RCP/lm

Enclosure

cc: City Clerk ✓