



**ASSOCIATION OF
COMPOST
PRODUCERS**
"We Build Healthy Soil"

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Inquiry
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September 13, 2010

The Honorable Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

RE: AB 737 (Chesbro) - SUPPORT

Dear Governor Schwarzenegger:

The Association of Compost Producers (ACP) is pleased to offer this letter urging your approval of AB 737 (Chesbro).

Our organization represents compost producers throughout the state. Our members, consisting of large and small companies and special agencies, municipalities and counties alike, provide a large share of the quality compost products produced in California, and contribute an important and growing share of the beneficially reused organic residuals.

ACP supports this bill for several reasons:

1. It furthers the objectives of AB 32, which established the Global Warming Solutions Act of 2006. This bill would require commercial recycling, and it is well established that recycling contributes to the reduction of greenhouse gas (GHG) emissions.
2. If Proposition 23 were to be approved by the voters, all efforts to require commercial recycling under the AB 32 Scoping Plan would be suspended; this bill ensures that even if that were to occur or, putting aside Prop 23, if your successor as Governor were to suspend the implementation of those regulations by executive order, the commercial recycling requirement would still move forward in statute.
3. This bill places CalRecycle (rather than the ARB) in charge of implementing and enforcing the commercial recycling requirement. Recycling has traditionally been regulated by CalRecycle and its predecessor, the CIWMB. CalRecycle staff has decades of experience with the issue, and continues to exhibit a depth of understanding regarding the issues our industry is addressing moving forward. We believe they are uniquely qualified to manage recycling, and should retain primary jurisdiction in the interest of governmental efficiency.
4. AB 737 also contains a permit streamlining feature that will enable a recycling facility to expand, up to its design capacity, by simply modifying (rather than revising) its permit.

5. This bill also calls upon the Legislature to study the effects of the commercial recycling requirement in terms of increasing waste diversion levels, and to identify potential opportunities for achieving additional diversion.
6. Finally, this bill includes a series of Legislative findings that for the first time recognize the link between increased recycling and the need for recycling and composting capacity, that acknowledge the "net environmental benefit" offered by these facilities, and that express the need to sustain and expand waste recycling and composting efforts.

Some in the business community have characterized this bill as both untimely and inappropriate because, they contend, it unfairly exposes business to a costly state mandate. The true facts are these:

- a. Local governments already possess the authority to impose "mandatory" recycling, and many have done so, with no ill effect upon business. In fact, businesses subject to a recycling requirement will typically experience a reduction in their monthly waste bills, because recycling carries no disposal fee, and the hauler can charge less when materials have some resale value.
- b. Further, this bill exempts small businesses (those generating less than 4 cubic yards per week), and requires nothing of businesses already receiving recycling services, or those located in areas where recycling service is unavailable.
- c. AB 939 has always included a requirement that local governments recycle; AB 75 imposes a recycling obligation upon state facilities. It's time that businesses did their part. This bill merely asks the same thing of some businesses (those not now participating in recycling) that other businesses, residents, and the state have been asked to do for more than 20 years.
- d. Recycling more of the organic fraction of the waste stream, via composting and quality compost product production, actually increases jobs *and* enhances the environment *at the same time* providing at least the following benefits to each community that initiates these programs and beneficially uses compost:
 - Improve soil *water and nutrient holding* capacity of soils
 - Save 1,000's of acre feet of water on ag and landscaped lands each year
 - Decrease the need for chemical fertilizers & pesticide use
 - Remediate chemically damaged soils, Replenishing trace and macronutrient stores
 - Save energy and reduce greenhouse gases by less tilling, water and increased carbon sequestration

We respectfully submit that AB 737 merits your approval; it is the product of extensive negotiation and compromise, and is supported by a broad spectrum of interests including industry, local government, and the environmental community.

Very truly yours,



Jeff Ziegenbein, President
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