

APPENDIX A

SURVEY OF MUNICIPALITIES

In June 2003 staff prepared and distributed a survey to over 450 local government contacts. The purpose of the survey was twofold: to obtain some factual information regarding contracts between municipalities and waste haulers, in particular regarding provisions for rate increases, and to obtain information from municipalities that had previously not participated in the process regarding the form of the regulation, despite staff's efforts to engage more municipalities in the process.

Staff of the California Integrated Waste Management Board used their lists of local government contacts and sent the survey out for ARB by e-mail to two of their lists: Office of Local Assistance and Waste Analysis. The ARB website for the proposed rule was included in the survey so that people could review the proposed regulation if they had not already done so.

Description of the Survey

Questions 1 through 16 were designed to elicit factual information regarding the number of contracts; term of each contract, remaining years of term, and whether the contract is "evergreen" (rolls over); and any provisions for negotiations of rate increases. ARB requested a copy of the contract section or quote of any provisions that allow for rate increases.

Question 17 requested that the respondent provide an evaluation regarding whether or not an agency believed it would require additional resources to comply with the proposal. Staff has previously asked this question in meetings with municipality representatives but wanted a broader response for more individuals.

Question 18 was designed to elicit a response regarding a proposal that had been made by the industry to alter the proposed rule to remove all responsibility for compliance from a contracted hauler and place sole responsibility for compliance on the municipality that made the contract. Because this proposal from industry representatives had not been aired in a public meeting prior to issuance of the public notice on June 6, 2003, staff felt that we could obtain sufficient comments from municipalities through this survey.

Results

ARB received 71 surveys representing responses from 74 cities, 12 counties, and four military bases. Some survey respondents represented several cities, thus the larger number of cities and counties listed as responding when compared to the number of surveys received. Not including the military bases, the responses came from

municipalities representing 29 percent of the California population, ranging from the largest cities and counties to smaller rural counties and cities.

Of the respondents, 87 percent had contracts for waste hauling service. Terms of contracts ranged from two to 20 years, and the remaining terms ranged from 0 to 15 years, with an average of 5.5 years. Evergreen contracts, those that have no fixed end date, made up 8 percent of the reported contracts. Eighty-seven percent of the contracts allowed for a rate increase because of changes in the cost of doing business, with many contracts explicitly naming a change in law as a reason for a change in rates. The time to renegotiate a rate increase ranged from two weeks to three years, with most responding that it would take under one year.

Following is the text of the e-mail “cover letter” and the survey, along with a list of the respondents represented by the survey.

Sent June 27, 2003:

From: Nancy Steele [<mailto:nsteele@arb.ca.gov>]

To Jurisdictions:

You are probably aware that California Air Resources Board recently publicly noticed a draft rule to reduce diesel PM emissions from in-use solid waste collection vehicles. You may have spoken to a member of my staff, or my manager, Annette Hebert, recently about this rule and answered some of our questions. Thank you - your answers helped us focus in on what we need to know, thus we have developed a new survey. If you haven't spoken to one of us previously, and have questions, don't hesitate to call or e-mail.

The survey form is attached. This survey will allow us to standardize your responses in preparation for our July Board meeting. We hope you will take the time to fill this form out and send it back by July 1. Your answers to this survey are important even if you previously answered our questions.

If you are not the person in your agency who manages or contracts for trash pick-up services, please forward the survey to the correct person who can answer the questions. The survey should only take you 5 - 10 minutes - you can type your answers on the excel spreadsheet and e-mail it back.

If you have any questions, or cannot open the attached file, you can reply to this e-mail or call me at the number below. We would appreciate if you could respond to the survey by Tuesday, July 1. If you need additional time, let me know as we plan to start follow-up calls on Wednesday, July 2. Thank you very much for your help.

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Air Resources Board

<http://www.arb.ca.gov/regact/dieselswcv/dieselswcv.htm>

Questions for Municipalities on the ARB's Proposed Solid Waste Collection Vehicle Rule

25-Jun-03

The Air Resources Board has publicly noticed a regulation (45-day comment period opened 6/6 and closes 7/24/03) to reduce PM emissions from in-use trash trucks. The proposed rule places joint responsibility for compliance on the vehicle owner and the municipality that contracts for services. The following questions will help us to better understand certain issues regarding cost recovery by your contracts. Even if you have previously answered our questions, we would like you to fill out and return this questionnaire. A member of my staff may also call you for follow-up. Please return this survey by 7/1/03. Thank you very much for your cooperation.

Nancy L.C. Steele, Manager, Retrofit Implementation, California Air Resources Board, nsteele@arb.ca.gov

Date _____

Name _____

Title _____

Phone no. _____ E-mail _____

Jurisdiction: City of _____ County of _____ State or Military Agency _____

Does your Agency own and operate refuse vehicles, or permit or contract out for service?

If you own and operate refuse trucks or issue permits, but do not have contracts, thank you for your information. If you have contracts, please answer the following questions:

If you contract for service, how many contractors do you have? _____

What is the term of each contracts? _____

How many years does each contract have left? _____

Are these evergreen contracts, in that they automatically renew unless cancelled?
Describe the terms

Do you contracts have a provision that allows for negotiation of a rate increase during the contract term for a change in law? _____

If yes, please quote the provision or attach a copy: _____

If yes, how long would it take to negotiate a rate increase once a new rule is adopted?

Are there any other conditions in your contracts that allow for a rate increase?

If there are, please describe those conditions:

Based on a review of the proposed rule, will your agency require additional resources to comply with this rule? Please describe:

ARB has been asked by the refuse industry to consider changing the regulation to place all of the responsibility for compliance on the municipality holding the contract, with no responsibility on the vehicle owner. What would be your response to this proposal? How do you think this would affect your contracts?

Thank you

List of Responses by County and City

Cities		Counties	
Albany	Santa Clarita	Hillsborough	Contra Costa
Fremont	Sausalito	Menlo Park	Los Angeles
Livermore	Merced	Millbrae	Orange
Oakland	Anaheim	Redwood City	Riverside
Chico	Garden Grove	San Bruno	Sacramento
Paradise	Huntington Beach	San Carlos	San Bernardino
Antioch	Lake Forest	San Mateo	San Joaquin
Danville	Orange	Santa Barbara	Santa Barbara
Lafayette	Santa Ana	Milpitas	Santa Clara
Moraga	Tustin	Mountain View	Sutter
Orinda	Yorba Linda	Palo Alto	Ventura
Walnut Creek	La Quinta	Santa Clara	Yuba
Clovis	Riverside	Sunnyvale	
Sanger	Folsom	Fairfield	
Calexico	Big Bear Lake	Live Oak	
Bakersfield	San Bernardino	Moorpark	
Delano	Big Bear City	Ojai	
Bellflower	San Diego	Port Hueneme	
Covina	Atherton	Santa Paula	
El Monte	Belmont	Thousand Oaks	
Hawthorne	Brisbane	Davis	
Pasadena	Burlingame	Marysville	
Pomona	East Palo Alto	Wheatland	
San Fernando	Foster City		