



GAIL FARBER, CHAIR  
MARGARET CLARK, VICE-CHAIR

LOS ANGELES COUNTY  
SOLID WASTE MANAGEMENT COMMITTEE/  
INTEGRATED WASTE MANAGEMENT TASK FORCE  
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331  
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460  
[www.lacountyiswmf.org](http://www.lacountyiswmf.org)

June 5, 2014

TO: All City Mayors and City Managers in Los Angeles County

**URGENT REQUEST FOR LETTER TO OPPOSE ASSEMBLY BILL 1826 UNLESS  
AMENDED, ESTABLISHING MANDATORY ORGANICS COLLECTION AND  
PROCESSING REQUIREMENTS ON CITIES AND COUNTIES**

On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force), I am writing to share our concerns regarding the potential consequences your jurisdiction may face if [Assembly Bill 1826 \(AB 1826\)](#) as amended April 22, 2014, were enacted. The bill would impose significant and costly requirements on local governments, businesses, and multi-family residences. Therefore, we are recommending that you **oppose** AB 1826, **unless amended**.

The bill would, among other things, require businesses and multi-family residences of five units and more that generate at least one cubic yard of organic waste per week to arrange for organic waste recycling services. The requirements would be phased in over a 4 year period beginning in 2016. The bill would require each city and county to develop and implement an organic waste recycling program to divert organic waste from landfills and transformation facilities. Failure to comply with the bill's requirements may subject a jurisdiction to penalties up to \$10,000 per day.

Additionally, the bill would require a jurisdiction's organic waste recycling program to identify and provide for the education of, outreach to, and monitoring of, businesses and multi-family residential dwellings of five-units and more to ensure successful implementation of the program. The bill would further require each jurisdiction to identify existing facilities within a "reasonable vicinity" (an undefined term) and the capacities available for organic waste materials to be accepted at each identified facility; facilities for potential expansion or collocation; and closed or abandoned sites that might be available for new organic waste recycling facilities. Furthermore, the bill would require each jurisdiction to identify barriers to development of organic waste recycling facilities within the jurisdiction as well as develop a plan to remove those barriers, thus encroaching into local government land use decision-making authority.

Specific concerns with the provisions of the bill are detailed in the enclosed Task Force letter to the Chair of the Senate Environmental Quality Committee, dated June 5, 2014. The bill would have a significant impact on jurisdictions within Los Angeles County due to lack of infrastructure, difficulty in siting composting facilities in an urbanized area such as ours as well as complying with air quality standards within the South Coast Air Basin.

Each City Mayor and Manager

June 5, 2014

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We encourage you to evaluate the impacts of the proposed legislation on your jurisdiction and weigh in accordingly to ensure your concerns are heard in Sacramento. AB 1826 recently passed the Assembly floor and is moving quickly through the Senate. ***Therefore, it is imperative that all jurisdictions express their concerns to legislators in Sacramento as soon as possible.*** For your convenience, enclosed is a sample letter which your City may use to express these concerns.

As provided by AB 939 (1989) and Chapter 3.67 of the Los Angeles County Code, the Task Force is responsible for coordinating the development of major solid waste planning documents for the County of Los Angeles and the 88 cities in Los Angeles County, with a combined population of over ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

Should you have any questions regarding the subject matter, please contact Mr. Mike Mohajer of the Task Force at [MikeMohajer@yahoo.com](mailto:MikeMohajer@yahoo.com) or at 909-592-1147.

Sincerely,



Margaret Clark, Vice-Chair  
Los Angeles County Solid Waste Management Committee/  
Integrated Waste Management Task Force and  
Council Member, City of Rosemead

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cc: Each Member of the Los Angeles County Board of Supervisors  
San Gabriel Valley Council of Governments  
South Bay Cities Council of Governments  
San Fernando Valley Council of Governments  
Gateway Cities Council of Governments  
Westside Cities Council of Governments  
County Sanitation Districts of Los Angeles County  
Each City Recycling Coordinator in Los Angeles County  
Each Member of the Los Angeles County Integrated Waste Management Task Force

June \_\_\_\_, 2014

The Honorable Jerry Hill, Chair  
Senate Environmental Quality Committee  
State Capitol, Room 2205  
Sacramento, CA 95814

Dear Senator Hill:

**ASSEMBLY BILL 1826 (AMENDED APRIL 22, 2014) – OPPOSE UNLESS AMENDED  
SOLID WASTE: ORGANIC WASTE RECYCLING**

The City of \_\_\_\_\_ **opposes** Assembly Bill 1826 (AB 1826) **unless amended** to address the following concerns:

- Southern California lacks the infrastructure necessary to recycle organic waste and divert such waste from landfills facilities utilizing only composting and anaerobic digestion processes. It is extremely difficult to site these types of facilities in urbanized areas like Los Angeles County (with its stringent air quality standards), in part due to the potential nuisance caused by odor emanating from these facilities.
- The proposal would fail to provide any financial assistance or incentives to promote development of the needed infrastructure.
- Key terms such as “organic waste recycling,” “organic waste recycling facility,” and “reasonable vicinity” are undefined.
- Requirements on jurisdictions are excessive, costly, and encroach into local government land use decision making authority.

Lack of Infrastructure to Process Organic Waste

While we appreciate the benefits of composting, our region’s urban nature prevents the siting of commercial-scale compost facilities capable of processing the region’s organic waste. The region simply needs other options to process organic waste, otherwise the waste would need to be transported outside the region which is costly economically and environmentally. We believe robust State-administered grant and loan programs are critical to helping the organic waste processing industry in our region get off the ground.

Undefined Key Terms

The lack of definitions for “organic waste recycling” and “organic waste recycling facility” leave uncertainty for jurisdictions. Moreover, the term “reasonable vicinity” is highly subjective which necessitates a definition as well.

Excessive Requirements on Jurisdictions

In addition to the difficult tasks of developing an organic waste recycling program as well as identifying, notifying and monitoring affected businesses, local programs would be required to identify vacant parcels, existing vacant or expandable facilities, zoning and permitting requirements, and steps towards removal of barriers to siting and/or expanding existing “organic waste recycling facilities.” These requirements are excessive and seem to infringe upon local land use decision making authority.

For these reasons, the City of \_\_\_\_\_ **opposes** AB 1826 **unless amended** to address these issues. Should you have any questions, please contact \_\_\_\_\_.

Sincerely,

cc: Assembly Member Wesley Chesbro, Gordon, Skinner, Ting and Williams  
Each Member of the Senate Environmental Quality Committee and the Committee  
Consultant  
Los Angeles County Integrated Waste Management Task Force



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June 5, 2014

The Honorable Jerry Hill, Chair  
Senate Environmental Quality Committee  
State Capitol, Room 2205  
Sacramento, CA 95814

Dear Senator Hill:

**OPPOSE UNLESS AMENDED ASSEMBLY BILL 1826 (AMENDED APRIL 22, 2014)  
SOLID WASTE: ORGANIC WASTE**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) supports the state goal of increasing waste diversion to 75% or higher as established under AB 341 (2011, Chesbro). The Task Force also agrees that diverting organic waste from landfills will be necessary to accomplish this goal. However, in order for local governments to accomplish the State mandated goal, they need to be provided with tools for successful implementation of an organic waste recycling program. For this reason the Task Force currently **opposes** Assembly Bill 1826 (April 22, 2014 version) **unless amended** to address the following concerns. In the mean time we will continue to work with Assembly Member Chesbro and/or his staff as well as your Committee Consultant to address these issues with the goal of reaching a resolution prior to the hearing of the subject bill by your Committee.

- Provide incentives for increased organic waste processes infrastructure and remove barriers to the use of new technologies for processing organic wastes.
- Modify the 2019 Threshold applicable to businesses generating one cubic yard of organic waste per week.
- Expand criteria for delaying implementation of the “organic waste recycling program” by a jurisdiction.
- Define the terms “organic waste recycling,” “organic waste recycling facility” and “reasonable vicinity” unless they will be defined by the Department of Resources Recycling and Recovery (CalRecycle) through the rulemaking process.
- Remove program requirements which seem excessive by placing more of the decision making power over the organic waste recycling program in the hands of the local jurisdictions.

**Provide incentives and Remove Barriers to infrastructure and additional processing options**

The enactment of AB 1826 would necessitate the development of new composting and/or anaerobic digestion (AD) facilities. Urbanized areas such as Southern California do not have sufficient composting facilities due to the South Coast Air Basin's air quality standards. Therefore, the organic waste must be shipped out of the region, which is both very costly and not environmentally friendly, or processed at AD facilities which under current State statute seem to be the most viable option but presently none exist in Los Angeles County (with exception of publically owned sewage treatment facilities). Currently, the 89 jurisdictions in Los Angeles County generate over 5 million tons of organics (including green materials) per year, and our preliminary estimates indicate that County jurisdictions would need over 36 AD facilities with a processing capability of 250 tons-per-day each. A similarly sized facility in San Jose cost approximately \$40 million; therefore the total cost to build this infrastructure in Los Angeles County could be as high as \$2 billion. This is essentially a new industry for Los Angeles County and as previously indicated there are currently no AD facilities in the County that are open to the public.

We believe state-administered grant, tax incentive, and loan programs are critical to helping this industry get off the ground and become successful. Significant funding will be required to build the necessary processing infrastructure for organic waste recycling, which should not be limited to one or two processes.

Many thermal, chemical, biological, and mechanical conversion technologies could be utilized to process organic material into a wide spectrum of resources that can be used to produce electricity and fuels in an environmentally friendly and protective manner. However, these technologies are stifled by antiquated legislative and regulatory barriers. These technologies can diversify our approach to organic waste management and help jurisdictions comply with the State's direction to divert these materials from landfill disposal.

We encourage the State to take a technology neutral position or, at a minimum, not prohibit technologies that can provide equal or greater greenhouse gas reductions than anaerobic digestion and composting. Although anaerobic digestion is at present the most widely used technology in California to convert biodegradable organic waste to energy, biomass gasification and other conversion technologies can manage a broader array of organic waste and have much lower residuals that may still need to be disposed of while providing comparable or greater greenhouse gas reductions, which must be the primary emphasis of the State's effort to divert organics from landfills through source separated collection.

The Task Force applauds the proposed legislation's attempts to remove or reduce barriers to the development of needed infrastructures as formulated in Subdivisions 42649.86 (a) and (b). However, we would additionally recommend that the proposed legislation be expanded to include the following, which, in most part, is consistent with the recommendations of the AB 32 (2006) Climate Change Scoping Plan Update.

*“The State Air Resources Board and the Department of Resources Recycling and Recovery shall identify financing/funding/incentive mechanisms for in-State infrastructure development to support the Waste Management Sector’s goals of the 2014 Climate Change Scoping Plan Update prepared pursuant to the California Global Warming Solutions Act of 2006. Mechanisms to be considered shall include the Cap-and-Trade Investment Plan; loan, grant and payment programs; Low Carbon Fuel Standard pathways; the Public Utilities Commission proceedings (e.g. biogas from anaerobic digestion and Renewable Market Adjusting Tariff); and offset protocols for recycling, composting, anaerobic digestion, biomass, as well as the Department’s identified thermal, chemical, biological and mechanical processes.”*

**Modify the 2019 Threshold applicable to businesses generating one cubic yard of organic waste per week**

The proposed Section 42649.81(a)(3) states “On and after January 1, 2019, a business that generates at least one cubic yard of organic waste shall arrange for recycling services specifically for organic waste in the manner specified in subdivision (b).” However, we believe this threshold should be consistent with the threshold that has been established under the mandatory commercial recycling program (AB 341 Section 42649.2 of the Public Resources Code) for businesses generating four cubic yards of solid waste or more per week. This would eliminate confusion and possible duplication of efforts. As such, we recommend the following:

*“(3) On and after January 1, 2019, a business that generates at least four cubic yards per week of solid waste, including one cubic yard of organic waste per week shall arrange for recycling services specifically for organic waste in the manner specified in subdivision (b).”*

**Expand criteria for delaying implementation of the “organic waste recycling program” by a jurisdiction**

The proposed legislation [Sections 42649.82(h)(6) and (9)] provides for CalRecycle to consider the availability of facilities and markets for collected organic waste recyclables as factors to determine whether the jurisdiction has made a good faith effort to implement its organic waste recycling program. However, the Task Force strongly believes that jurisdictions need additional flexibility in delaying the implementation of their commercial organic waste recycling program if through no fault of their own, processing infrastructure and markets are unavailable to handle the influx of organics.

Unlike recyclable materials that can be stored in warehouses and/or shipped to foreign markets, storage of organic waste recyclables (including food waste) beyond one or two days becomes a significant hazard to public health and safety as well as the environment. Therefore, the proposed bill needs to be expanded to clearly address this issue and provide much needed flexibility to local governments by expanding Subdivision 42649.82(h) to include a new paragraph stating the following:

*“The department shall find a jurisdiction in compliance as required by subdivision (g) if through no fault of its own, processing infrastructure and/or markets are unavailable to handle the influx of organic wastes.”*

**Provide definition of “organic waste recycling” and “organic waste recycling facility”**

The Task Force is concerned that AB 1826 does not define the terms “organic waste recycling” and “organic waste recycling facility.” These terms should be defined to give a clear direction on available options in order to allow local governments to establish collection systems and infrastructure. We recommend the following definition for the term “organic waste recycling.”

*“Organic waste recycling” means programs that when implemented would reduce or eliminate the amount of organic solid waste from landfill disposal.”*

Additionally, in all likelihood, the term “organic waste recycling facility” means a “composting” or an “anaerobic digestion” facility. However, it is not clear whether a “biomass conversion” facility, as defined in Section 40106 of the Public Resources Code, utilizing only green materials would also qualify as an “organic waste recycling facility.” As such, there is a need for the proposed legislation to define the term “organic waste recycling facility.”

**Remove excessive program requirements**

The proposed Subdivision 42649.82(d), among other things, requires programs to identify vacant parcels, existing vacant or expandable facilities, and zoning and permitting requirements, and the removal of barriers to siting and/or expanding an existing “organic waste recycling facility.” These requirements are one step away from forcing local jurisdictions to render their land use decision making authority to CalRecycle. Planning and land use decisions are the purview of local jurisdictions and they are the only ones familiar enough with their communities to make decisions about what types of facilities should be sited in their communities. A local program developed for a State requirement should only be required to educate and engage in outreach activities to businesses. For the same reason, the requirements stated under Subdivision 42649.82(h), Paragraph (10) need to be deleted too.

Additionally, Subparagraph I (A) of the proposed Subdivision requires programs to identify all “existing organic waste recycling facilities within a ‘reasonable vicinity’ and the capacities available for materials to be accepted at each facility.” The term “reasonable vicinity” needs to be defined unless it will be defined by the Department of Resources Recycling Recovery through the rulemaking process.” Also, the requirements of this Subparagraph are unnecessary and not available to those jurisdictions where solid waste collection and recycling services are provided by a private waste management company/waste hauler via a contract or franchise agreement. As such, in these situations, the requirements need to be made applicable

The Honorable Jerry Hill

June 5, 2014

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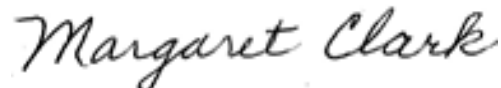
to the waste management company that is providing the service to the jurisdiction under contract or franchise agreement.

As provided by AB 939 (1989) and Chapter 3.67 of the Los Angeles County Code, the Task Force is responsible for coordinating the development of major solid waste planning documents for the County of Los Angeles and the 88 cities in Los Angeles County, with a combined population of over ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

The Task Force is supportive of organic waste recycling programs and the diversion of organics from landfill disposal. Unfortunately, because of the foregoing, we are currently **opposed** to AB 1826 (April 22, 2014, version) **unless amended** to address the issues described above.

Should you or your staff have any questions regarding the subject matter, please contact Mr. Mike Mohajer of the Task Force at [MikeMohajer@yahoo.com](mailto:MikeMohajer@yahoo.com) or (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair  
Los Angeles County Solid Waste Management Committee/  
Integrated Waste Management Task Force and  
Council Member, City of Rosemead

cc: Assembly Members Chesbro, Gordon, Skinner, Ting, and Williams  
Each Member of the Senate Environmental Quality Committee  
Senate Environmental Quality Committee's Consultant (Rebecca Newhouse)  
California State Association of Counties  
League of California Cities  
Each Member of the Los Angeles County Board of Supervisors  
San Gabriel Valley Council of Governments  
South Bay Cities Council of Governments  
San Fernando Valley Council of Governments  
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Westside Cities Council of Governments  
Each City Mayor and City Manager in the County of Los Angeles  
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