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SOLID WASTE MANAGEMENT COMMITTEE/  
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November 15, 2018

Mr. Scott Smithline, Director  
California Department of Resources Recycling and Recovery  
1001 I Street  
Sacramento, CA 95812

Dear Mr. Smithline:

**COMMENTS ON AB 901 EIGHTH DRAFT OF REPORTING REGULATIONS FOR RECYCLING, DISPOSAL AND ENFORCEMENT, DATED OCTOBER 2018**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to express its continued appreciation to the California Department of Resources Recycling and Recovery (CalRecycle) for soliciting input from the public and local jurisdictions regarding draft regulations to implement Assembly Bill 901 (AB 901, Chapter 746 of the 2015 State Statutes). The Task Force has reviewed the eighth draft development regulations, dated October 2018 (Regulations), published by CalRecycle on October 31, 2018, <https://www.calrecycle.ca.gov/docs/cr/laws/rulemaking/reporting/ab901-8thdraftregs.pdf> and has the following comments:

**GENERAL COMMENTS**

1. The Initial Statement of Reasons dated January 2018, states that AB 901 will dramatically improve local jurisdiction's ability to achieve and measure legislatively mandated goals by expanding reporting to include data on recycling and composting. It also states that additional tools will enhance and expand the ability of local jurisdictions to verify the accuracy of reported information. Additionally, AB 901 amended Section 41821.5 (b)(3) of the Public Resources Code to state that CalRecycle may provide reported information to jurisdictions. However, it is unclear in the Regulations as to how local jurisdictions will reap the benefit of a more comprehensive and robust data collection by CalRecycle. The regulations should incorporate provisions describing the information and tools that will be made available, as well as the parties responsible for making such information and tools available, so that local jurisdictions may have the ability to measure and achieving the State mandated goals.
2. For the purpose of solid waste planning and implementing and evaluating programs, the County and cities in Los Angeles County could benefit greatly by having access to the information which CalRecycle will be able to collect under the new Regulations. The

Public Resources Code Section 41821.5 (b)(3) states that CalRecycle may provide information in the reports submitted pursuant to AB 901 to jurisdictions, aggregated by company, upon request. The Regulations should address the types of reports that will be available, and jurisdictions should have opportunities to comment on the format of requested information prior to the regulations being finalized.

3. Currently, pursuant to Sections 18800 through 18813 of Title 14 of the California Code of Regulations, which will be removed upon formal adoption of the subject Regulations, solid waste disposal operators are required to submit surveys of disposal tonnages and jurisdictions of origin for the waste received to counties. In turn, each county provides quarterly reports to cities within the county with information regarding tonnages, jurisdiction of origin, and receiving facilities. This information is used by local jurisdictions to measure their progress in achieving the State waste reduction mandates and to plan for long-term disposal capacity. Since the requirement for counties to provide this information to cities is to be eliminated, the proposed Regulations should include provisions that describe:
  - how the information will be made available to them
  - parties responsible for providing the information
  - tools that will be used to make such information available

CalRecycle should also provide opportunities to comment on the format of requested information prior to the Regulations being finalized.

### **SPECIFIC COMMENT**

4. Article 9, Subsection 18794.2(d) proposes that the Department will calculate jurisdiction disposal using information provided by the Recycling and Disposal Reporting System. With this method, jurisdictions will not have the opportunity to determine their disposal rate, nor monitor their disposal reduction efforts since the report is only provided annually, and therefore, their disposal and diversion rates will be based solely on information provided by CalRecycle at the end of the reporting year. Based on past experience in data collection and reporting by Counties since 1995, there have been a lot of inaccuracies in disposal reporting, and therefore, a county or city may be stuck with the disposal numbers provided by CalRecycle and may have no means to correct inaccurate or erroneous data. Therefore, the Task Force recommends the proposed regulation be revised to include:
  - jurisdiction reports to be provided quarterly and annually
  - a process and mechanism for a jurisdiction to correct inaccurate or erroneous data
  - the types of recycling and disposal reports that will be made available to jurisdictions
5. Article 9, Subsection 18794.2(d)(6) proposes that the Department will calculate jurisdiction disposal to include “the tons of solid waste and green material potential beneficial reuse exported from California, minus any portion of the waste that the jurisdiction proves was diverted.” While we agree that solid waste material that is exported outside of California

Mr. Scott Smithline, Director  
November 15, 2018  
Page 3

should be tracked, this requirement places an undue burden on the individual local jurisdictions in the State to track and provide documentation on the end use activities in a foreign state. The Task Force recommends that CalRecycle take a greater role in tracking, determining, and verifying the proof of diversion.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population more than ten million. 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, waste management industry, environmental groups, the public, and a number of other governmental agencies.

As we have indicated in our previous communications in regards to the subject matter, and as a collective group responsible for ensuring a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force again respectfully requests that CalRecycle consider and address the above comments which have been formulated with the AB 341 (2011), AB 1594 (2014), AB 1826 (2014), and SB 1383 (2016) provisions in mind.

If you have any questions, regarding this matter, please contact Mr. Mike Mohajer, a Member 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  
Mayor Pro Tem, City of Rosemead

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cc: CalRecycle (Ken DaRosa, Christine Hironake, John Sitts, Jane Mantey,  
Robert Carlson, Steven Sander)  
Each Member of the Los Angeles County Solid Waste Management  
Committee/Integrated Waste Management Task Force