



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.lacountywimtf.org

December 28, 2015

Ms. Karen Ross, Secretary,
California Department of Food and Agriculture (CDFA)
1220 "N" Street
Sacramento, CA 95814

Mr. Scott Smithline, Director
California Department of Resources Recycling and Recovery (CalRecycle)
P.O. Box 4025
Sacramento, CA 95812-4025

Dear Ms. Ross and Mr. Smithline:

BIOSECURITY OF PROCESSED AND UNPROCESSED GREEN WASTE/MATERIAL

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to express our concern regarding processed and unprocessed green waste/materials originating from quarantined areas as designated by the (emphasis added). Currently thirty-three of California's fifty-eight counties are quarantined in all or part of their jurisdictions. According to the CDFA and the U.S. Department of Agriculture (USDA) there are five major plant pests and plant pathogens which are currently under quarantine or regulated in California. Los Angeles County is known to host at least three of the major quarantined pests as identified in Title 3 of the California Code of Regulations (CCR), Asian Citrus Psyllid *Diaphorina citri* (Section 3435), Huanglongbing (Section 3439), and Light Brown Apple Moth *Epiphyas postvittana* (Section 3434). Jurisdictions in Los Angeles County also have been experiencing problems resulting from Oak Mortality Disease *Phytophthora Ramorum* (3 CCR, Section 3700)

Regulations recently set forth by CalRecycle in Title 14 of the CCR, Division 7, Chapter 3.1, including, but not limited to, Section 17852 (a)(21) – "Green Material" and Section 17868.5 – "Green Material and Vegetative Food Material Processing Requirements"; and Title 3 of the CCR, Division 4, Chapter 3, Subchapter 4, Article 2: - "General Provisions of Quarantine Regulations" being implemented by CDFA, should be updated/coordinated by the said two agencies to address elevated hazards of pest and pathogen transport.

The Task Force would like to offer the following comments on these regulations for the protection of biosecurity and preservation of native Californian plant species.

- The approval or cancelling of permitting, licensing, and certification of green waste/material receivers (including biomass/cogeneration facilities, composting operations, landfills, waste processors or transfer stations) and green waste/material hauler/transporters by the CDFA should be mandatory regulatory actions. This review needs to take precedence over any other appropriate/applicable state or local permitting processes in Plant Pest/Pathogen Quarantine areas throughout the state (emphasis added).
- Wherever CalRecycle green waste/material or composting regulations mention consulting with or referencing to the state or local regulatory agencies, such as the Air Resources Board, Water Resources Control Board, or California Department of Public Health, the list needs to be specifically expanded to include California Department of Food and Agriculture.
- Any new set of permitting regulations involving green waste/materials and/or “vegetative food material/waste” that neglects the extremely severe environmental impacts of aggressive, invasive plant pests and/or pathogens should prepare an appropriate California Environmental Quality Act (CEQA) document and complete the required process. Special attention should be given to potentially sensitive operations such as all nurseries, landscape businesses, agricultural enterprises, urban landscaping (street trees), wildland ecosystems, parkland, and residential gardens.
- Dead and deceased plant material exhibiting symptoms of contamination should be properly disposed of in a solid waste permitted landfill or other disposal facilities designated by CDFA/CalRecycle. Further, considering the requirements of AB 939 (1989), AB 341 (2011), and AB 1826 (2014), the tonnages reported of such material should not be considered as “disposal” against the affected jurisdictions (emphasis added).
- Considering the urgency of the subject matter, it is recommended that as a part of the AB 1045 (Chapter 596 Of the 2015 State Statute) implementation the involved agencies should take an immediate action upon effective date of AB 1045 to adopt an emergency regulation to address the subject matter on an interim basis pending complete study and evaluation of the situation leading to the adoption of an appropriate regulation.

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939], as amended) and Chapter 3.67 of the Los Angeles County Code, 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

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Los Angeles County with a combined population in excess of 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, waste management industry, environmental groups, the public, and a number of other governmental agencies.

The Task Force respectfully requests that CalRecycle and CDFG consider the above comments and to make appropriate changes for the protection of the environment, especially in light of current state regulations for the diversion of green and vegetative food material/waste from landfills and other disposal facilities. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at 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
Mayor, City of Rosemead

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Enc.

cc: Governor Brown's Deputy Legislative Secretary Martha Guzman-Aceves
CalEPA (Matt Rodriguez)
California Department of Food and Agriculture (Craig McNamara and Annette Whiteford)
CalRecycle (Ken DaRosa, Mark De Bie, Howard Levenson, Brenda Smyth, Robert Holmes, Georgjan Turner, Ken Decio, and Cara Morgan)
California Air Resources Board (Mary Nichols)
State Water Resources Control Board (Felicia Marcus, Thomas Howard, and Leslie Graves)
California Department of Public Health (Dr. Karen Smith)
California State Association of Counties (Cara Martinson)
League of California Cities (Jason Rhine)
Los Angeles County Department of Public Health (Angelo Bellomo, Maurice Pantoja, and Gerardo Villalobos)
Los Angeles County Agricultural Commissioner/Weight and Measures (Kurt Floren)
City of Los Angeles Local Enforcement Agency (David Thompson)
Each Member of the Los Angeles County Integrated Waste Management Task Force

General facts about the current quarantines in the state:

- 1. Los Angeles County is host to three quarantined pests, though only Asian Citrus Psyllid quarantine covers the whole county. The other two are Huanglongbing and Light Brown Apple Moth.**
- 2. California has 58 counties. Thirty-three of those counties are quarantined in all or part of their jurisdictions.**
- 3. Licenses for composting/processing operations and compliance agreement certificates for all transporting of green waste and other plant material within or out of these quarantined areas are required by CDFA.**

EXHIBIT: GW4 GREEN WASTE RECEIVER – COMPOSTING

Provisions for the Intrastate Movement of PROCESSED AND UNPROCESSED GREEN WASTE originating within the State Interior Quarantine for (check all that apply):

Asian Citrus Psyllid (CCR 3435)

European Grapevine Moth (CCR 3437)

Huanglongbing (CCR 3439)

Light Brown Apple Moth (CCR 3434)

Oak Mortality Disease Control *Phytophthora ramorum* (CCR 3700)

A. Green Waste Definitions and Regulatory Movement Requirements

‘Green Waste’ is unprocessed or processed vegetative material which contains any of the following or a mixture thereof: stems, leaves, culls, discarded fruits and vegetables, grass clippings, weeds, yard trimmings, wood/vine/processing/harvesting waste, hulls, bark, branches, logs and stumps, home garden/field/vineyard/grove/orchard residues, duff, mulch, compost, and other miscellaneous plant materials.

‘Unprocessed Green Waste’ is ‘Green Waste’ in the raw state. It has not undergone any mechanical procedure to lessen the pest risk and is therefore a regulated item. All parties involved in selling, transporting, or receiving ‘Unprocessed Green Waste’, from a Quarantine Area, must have a Program issued compliance agreement. The movement of ‘Unprocessed Green Waste’ is regulated, and it must remain within the quarantine area.

‘Processed Green Waste*’ is ‘Green Waste’ that has undergone some mechanical procedure to lessen or eliminate the pest risk. Depending upon the degree of processing, it may or may not be a regulated item. All parties involved in selling, transporting, or receiving ‘Processed Green Waste’, from a Quarantine Area, that is not completely processed into ‘Compost’ must have a Program issued compliance agreement. The movement of ‘Processed Green Waste’ is dependent upon the degree of processing (mulch or compost). Refer to items a and b.

- a. 'Mulch*' is 'Processed Green Waste' that has been chipped, ground or shredded. 'Mulch' is not completely processed and still poses a pest risk, and is therefore a regulated item. All parties involved in selling, transporting, or receiving 'Processed Green Waste' in the form of 'Mulch', from a Quarantine Area, must have a Program issued compliance agreement. The movement of 'Mulch' is regulated, and it must remain within the quarantine area.
- b. 'Compost' is 'Processed Green Waste' composted in accordance with California Code of Regulations, Title 14, Division 7, Chapter 3.1. 'Compost' is completely processed and no longer poses a pest risk, and is therefore not a regulated item. All parties involved in selling, transporting, or receiving 'Processed Green Waste' in the form of 'Compost', from a Quarantine Area, are not required to have a Program issued compliance agreement. The movement of 'Compost' is unregulated, and it may move within or outside of any quarantine area.

B. For each of the quarantines checked above, the Establishment agrees to:

1. Transporter/Hauler Verification

Only accept green waste from a transporter/hauler operating under a compliance agreement for each applicable pest checked above. Each load must be accompanied by the transporter/hauler's quarantine certification (including self-haul loads).

2. Unacceptable Green Waste Sources

Do not knowingly accept green waste from a site "known to be infested" with *Phytophthora ramorum*, without the consent of the Department. (A site "known to be infested" refers to a positive site as confirmed by an official regulatory sample or material removed as part of the County Hazardous Tree Removal Program.)

3. Unprocessed Green Waste

Handle green waste from any quarantine area for each applicable pest checked above which is received unprocessed (NOT ground, chipped or shredded) by implementing all of the following: a) Safeguard (tarp, enclosed structure, etc.) unprocessed green waste prior to processing and b) Process (grind, chip or shred) green waste as soon as feasible and c) Complete applicable requirements outlined in #4 below.

4. Processed Green Waste from Quarantine Areas

Add all processed green waste from the quarantine area for each applicable pest checked above which has been processed (ground, chipped or shredded) to an active compost unit within 72 hours of receipt.

5. Temperature Duration Requirements

Meet time and temperature requirements pursuant to CCR, Title 14, Division 7, Chapter 3.1, Section 17868.3. Notify the Program within 24 hours of it being determined that it is not in compliance with CCR, Title 14, Division 7, Chapter 3.1, Section 17868.3.

6. Runoff

Remain in compliance with the Regional Water Quality Control Board requirements regarding the management of water runoff from the green waste storage area.

7. Regulatory Compliance

Remain in compliance with California Code of Regulations, Title 14, Division 7, Chapter 3.1, Section 17868.3. Notify the Program within 24 hours of it being determined that it is not in compliance with CCR, Title 14, Division 7, Chapter 3.1, Section 17868.3.

8. Movement of Green Waste from this Facility*

Do not move unprocessed green waste, or green waste that has been processed incompletely (mulch) from this facility, except under the direction of the County Agricultural Commissioner or a designated representative. Upon receiving notification from the Commissioner that green waste may be moved from this facility, the Establishment shall comply within 90 days. Unprocessed green waste and green waste processed incompletely (mulch) must be moved to a receiver within the Quarantine Area, and via a transporter/hauler both operating under a Program issued Compliance Agreement for each applicable pest checked above.

When allowed by the County, the movement of green waste must abide by the following:

- a) Movement of unprocessed green waste is regulated, and it must remain within the Quarantine Area.**
- b) Movement of green waste processed incompletely (mulch) is regulated, and it must remain within the Quarantine Area. Rev. 4/6/15**
- c) Green waste processed completely (compost) is the only form of green waste that is not regulated. Compost may move within or outside the quarantine area.**
- d) Green waste resulting from EGVM regulated articles (including grape and olive) that has been pressed at 2 bars, or 28 PSI, is no longer regulated and may be distributed anywhere in California except vineyards located outside an EGVM quarantine area. **In special circumstances, and with prior Program approval, regulated forms of 'Green Waste' may be moved outside the Quarantine Area to approved receivers under compliance.***

9. Records

Maintain a record of certified weighmaster certificates for all shipments of green waste received from any quarantine area for a period of two years and make them available for inspection by county, state or federal plant regulatory officials upon request.

10. Inspections

Allow county, state or federal plant regulatory officials to perform unannounced inspections of all plant material located at the Establishment, or records at any time during ordinary business hours.

Information about Quarantines of Plant Pests and Pathogens in California (August, 2015)

According to the California Department of Food and Agriculture (CDFA) and the U.S. Department of Agriculture (USDA) there are five major plant pests and plant pathogens which are currently under quarantine (regulated) in California. Quarantines usually cover both infected/damaged plants and host plants.

Those plant pests and plant pathogens are:

1. Asian Citrus Psyllid *Diaphorina citri* (CCR 3435). A Psyllid is a member of the plant lice family. The quarantine covers all green waste, nursery plants, etc. and all appliances, transport vehicles and machinery that may have come in contact with this pest.

All of Los Angeles County is included in this quarantine area.

2. European Grapevine Moth *Lobesia botrana* (CCR 3437). The quarantine covers green waste, nursery stock, berries, a number of host plant species and all appliances, transport vehicles and machinery that may have come in contact with this pest.

Quarantine is limited to parts of two northern counties.

3. Huanglongbing (CCR 3439) is a disease associated with a bacteria *Candidatus Liberibacter asiaticus*. Its vector is Asian Citrus Psyllid. Everything quarantined under the Asian Citrus Psyllid are covered here, as well as any bulk containers used to ship fruit from possibly infected plants.

Los Angeles County and Orange County (Hacienda Heights and San Gabriel areas) are in this quarantine area. The description of the quarantined areas goes street by street.

4. Light Brown Apple Moth *Epiphyas postvittana* (CCR 3434).

Quarantine covers any plant part that may be used by any stage of development of the Light Brown Apple Moth, such as all green waste, all fresh garlands, wreaths, cut flowers and greens, all nursery stock and, as above, all appliances, transport vehicles and machinery that may have come in contact with infested plant parts.

Parts of southern Los Angeles County are included in this quarantine area.

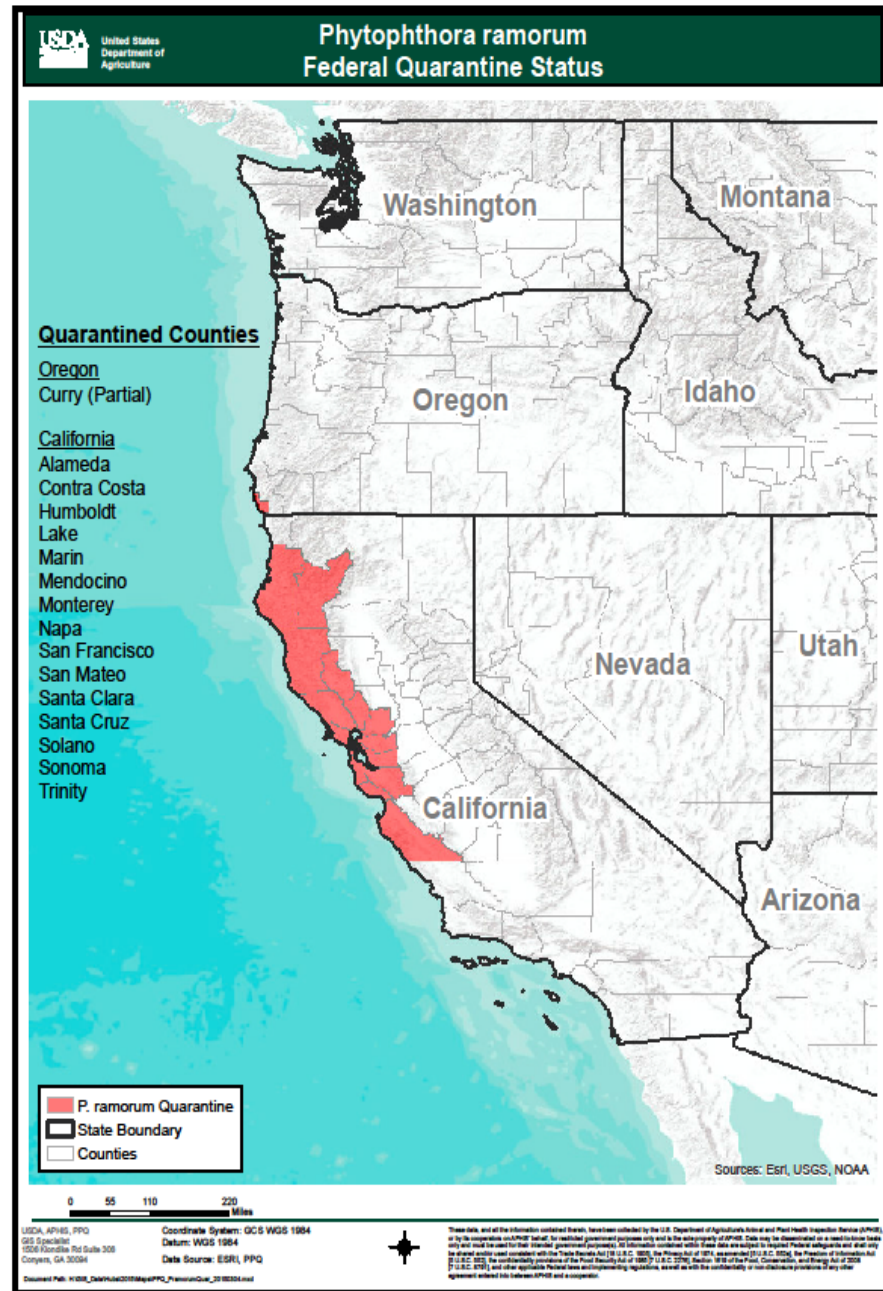
5. Oak Mortality Disease *Phytophthora ramorum* (CCR 3700) is an oomycete, called “fungus” by CDFA, but it is not a fungus. It is more like an alga. Its spores travel on the wind, through the water, infest soils. It rots roots, bark, shoots and browns leaves. All plant nurseries in the state are on the alert for any signs of infection by this organism in any of their plants, pots or soils. It infects many woody plants and has many host plants. Generally, if *P. ramorum* is found in the soil, water or any plants in a county, the entire county is quarantined.

Los Angeles is not quarantined for *P. ramorum* at this time.

Phytophthora ramorum Quarantine Map

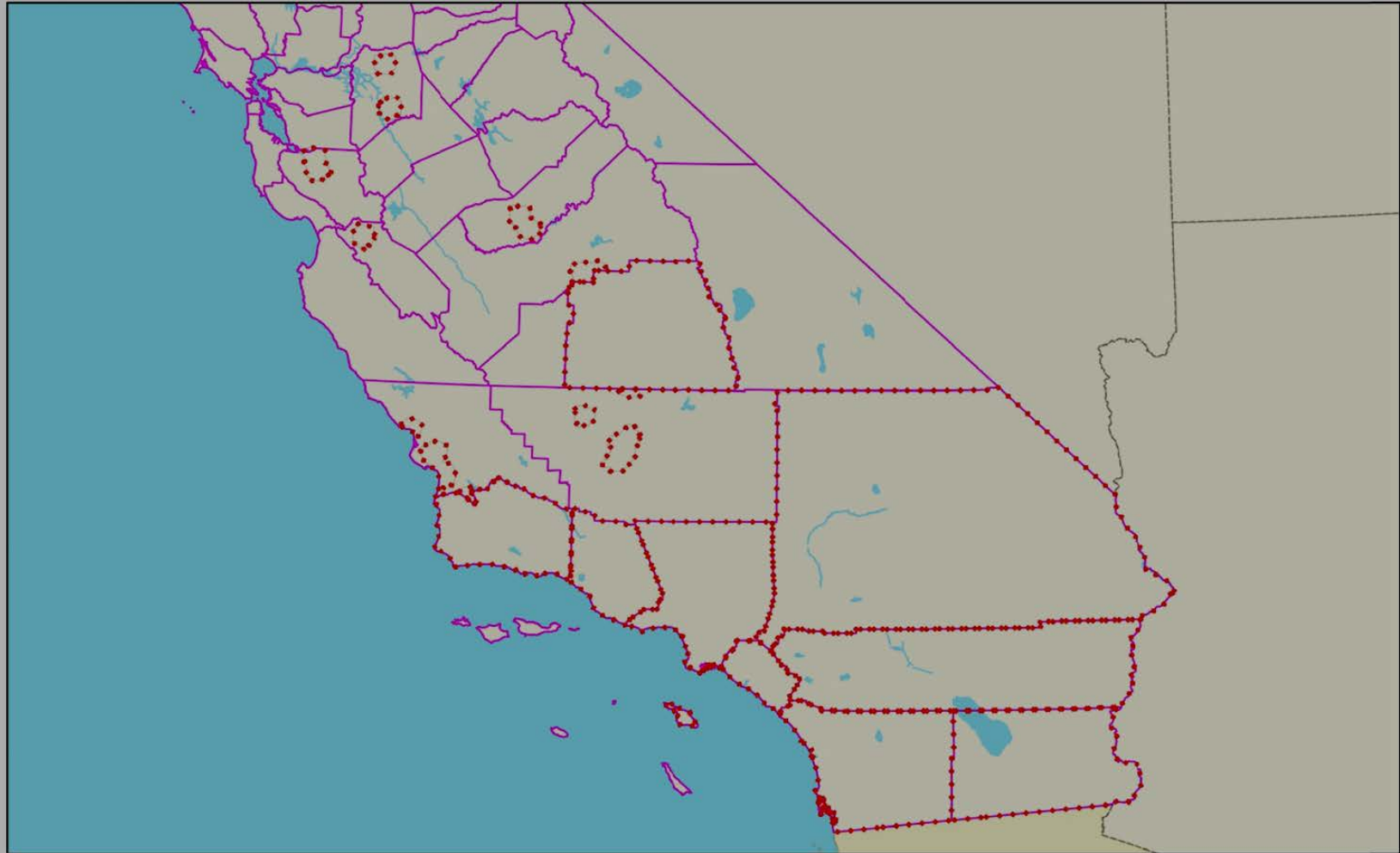
Phytophthora ramorum is known as Oak Mortality Disease, but at least 97 species of plants are known to be hosts of this disease or to be carriers. These plant species include:


- many Oaks
- Bigleaf Maple
- Magnolias
- Eucalyptus
- Rhododendrons
- Bay Laurel
- Olives
- Fir Trees
- Camellias
- Roses
- Huckleberries



Quarantine Boundaries for Asian Citrus Psyllid

2015 Asian Citrus Psyllid Overview



 Quarantine Boundary
Approved 07/06/2015 (51,815 sq miles)

Map Printed 07/06/2015
MapInfo 12.5 StreetPro v 2013.06



Suggested Changes to New CalRecycle Regulations

- 1.** The approval or cancelling of permitting, licensing, and certification of Green Waste Receivers (such as Biomass /Cogeneration Facilities, Composting Operations, Landfills, Processors or Transfer Stations) and Transporters such as Green Waste Haulers by California Department of Food and Agriculture are mandatory regulatory actions and, in particular, take precedence over any other state or local permitting processes in Plant Pest/Pathogen Quarantine areas throughout the state.
- 2.** Wherever CalRecycle green waste/composting regulations mention consulting with or referencing state or local regulatory agencies, such as Air Resources Board, Water Resources Board, or Board of Public Health, the list specifically shall include California Department of Food and Agriculture.
- 3.** Any new set of permitting regulations involving green waste or “organic food waste” that neglects the extremely severe environmental impacts of aggressive, invasive plant pests and/or pathogens on all nurseries, landscape businesses, agricultural enterprises, urban landscaping (street trees), wildland ecosystems, parkland and residential gardens, must prepare an Environmental Impact Report (CEQA process).