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

March 28, 2013

Mr. Ken Decio  
Senior Integrated Waste Management Specialist  
Department of Resources Recycling and Recovery  
1001 I Street  
Sacramento, CA 95812-4025

Dear Mr. Decio:

**CALRECYCLE'S CONSOLIDATED DRAFT REGULATORY REVISIONS TO TITLE 14 AND 27 DATED FEBRUARY 28, 2013 - MANAGEMENT OF COMPOSTABLE WASTE AND PROCESSING FACILITIES**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) appreciates the opportunity to comment on CalRecycle's regulatory revisions to Title 14 and 27 of the California Code of Regulations, which among other things, addresses the management of compostable wastes and processing facilities. The Task Force recognizes and appreciates CalRecycle's efforts to revise and adopt new regulations in order to manage compostable wastes within the State in a manner that protects the public's health and safety. The Task Force strongly believes that an integrated approach is necessary to reduce our dependence on landfilling while considering the health and safety of the public and environment. In order to facilitate an integrated approach, the proposed regulations regarding composting waste handling operations must be applied uniformly to all technologies. This would help create a level playing field for all landfill diversion technologies to be successful in the future and help compliance with AB 341. Based on CalRecycle's consolidated draft regulation text dated February 28, 2013, and informal workshop of March 18, 2013, we would like to offer the following comments:

***General Comment:***

As previously indicated by the Task Force on several occasions starting with our letter of August 13, 2008 (copy enclosed), there is a clear need for CalRecycle to define the terms "organics," "compostable organics," "non-compostable organics." and "inorganics." These terms are being used by CalRecycle throughout the regulatory revisions to Titles 14 and 27 without having defined these terminologies. The Task Force respectfully requests CalRecycle to either define these terms through the regulatory process or avoid further use of these undefined terminologies. Failure to do

so would further create confusion among stakeholders and elected officials while furthering the local governments' cost in their attempt to comply with CalRecycle regulations.

**Comments:**

- Section 17852, Subsection (a)(26), "Mixed Solid Waste." – The existing definition refers to "non-organics" and "plastic." These terms need to be clearly defined. Also, see the "General Comment."
- Section 17852, Subsection (a)(32), "Physical Contamination" or "Contaminants" – Clearly define the terms of "hard plastic" and "film plastic" in concert with the "General Comment."
- Section 17856 — Agricultural Material Composting Operations. To assist local governments with the effectiveness of their diversion programs, this Section needs to be expanded to include the following new subsection:
  - "Subsection (e) — These sites shall record the quantities of agricultural and green materials received, by jurisdiction of origin, and submit the data to the appropriate jurisdictions on a calendar quarterly basis."
- Section 17857.1 — Green Material Composting Operations and Facilities. To assist local governments with the effectiveness of their diversion programs, this Section needs to be expanded to include the following new subsection:
  - "Subsection (d) — These sites shall record the quantities of agricultural and green materials received, by jurisdiction of origin, and submit the data to the appropriate jurisdictions on a calendar quarterly basis."
- Section 17863.4 Subsection (f) – Odor Impact Minimization Plan. We strongly recommend specifying a timeframe by which the EA is to direct the operator to prepare and implement a Best Management Practice Feasibility Report (Report) as specified in Section 17863.4.1. We also strongly recommend specifying a timeframe (possibly a week) for the EA to consider the results of the Report in order to reduce and eliminate the time the public is exposed to the odor nuisance. If the foregoing measures are ineffective in addressing the elimination of the odor nuisance, then consideration needs to be provided to move the operation to the inside of a structure that operates under negative pressure. As an alternative, the facility's daily waste intake can be gradually reduced until the nuisance is eliminated or reduced to a level that is of no further hazard to the public's health and safety. Needless to say, exposure to odor nuisance is

hazardous to human health and safety as well as having significant adverse impacts on human breathing. Therefore, it is imperative that mitigating measures are implemented in a steadfast and efficient manner.

- Sections 17896.1 and 17896.2 – Numerous references have been made to the term “organic material.” Please see “General Comment” and define the term “organic material.”
- Section 17896.1, Subsection (d) – In part, this Subsection states “.....However, no city or county may promulgate or enforce laws which otherwise conflict with the provisions of this Chapter,” (emphasis added). Such an authority is far reaching and may negatively impact a local jurisdiction’s land use decision. As such the term “conflict” needs to be defined OR the statement should be revised to read “....However, no city or county may promulgate or enforce laws which are less restrictive than the provision of this Chapter.”
- Section 17896.5, “Excluded Activities” – Please provide a distinction between anaerobically digestible materials and anaerobically digestible waste (emphasis added).
- Section 17896.18, “Drainage and Spill Control” – The proposed requirements should be expanded to prohibit any off-site drainage without a NPDES Permit.

Pursuant to the California Integrated Waste Management Act of 1989 (Assembly Bill 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 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.

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We appreciate you considering our comments and look forward to working with you in developing an effective statewide order for composting facilities. If you have any questions, 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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Enc:

cc: Mr. Matt Rodriguez, Secretary, CalEPA  
Mr. Charles Hoppin, Chair, State Water Resources Control Board  
State Water Resources Control Board (Thomas Howard, Lisa Babcock, Scott Couch,  
Brianna Bergen)  
CalRecycle (Caroll Mortensen, Ken DaRosa, Mark De Bie, Robert Holmes,  
Georgjan Turner)  
California Air Resources Board (Mary Nichols)  
California Department of Food and Agriculture (Annette Jones)  
Each Member of the Los Angeles County Integrated Waste Management Task Force



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DEAN D. EFSTATHIOU  
CHAIRMAN

August 13, 2008

Ms. Margo Reid Brown, Chair  
California Integrated Waste Management Board  
1001 I Street  
Sacramento, CA 95812-2815

Dear Ms. Brown:

**DISCUSSION OF POTENTIAL OPTIONS FOR THE ORGANIC DIVERSION FACILITIES  
SITING PROJECT (STRATEGIC DIRECTIVE 6.1)**

On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force, I would like to commend the California Integrated Waste Management Board (Waste Board) for its efforts in promoting environmentally beneficial alternatives to reduce the disposal of organics. However, as listed below, we have a number of concerns regarding the Waste Board's Directive 6.1 and its staff report for Item 11 of the June 17, 2008, Waste Board meeting. On June 10, 2008, this item was considered by the Waste Board's Strategic Policy Development Committee without addressing concerns expressed by stakeholders.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 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 within Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities, and to ensure a coordinated and 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, the County of Los Angeles Board of Supervisors, the City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

We would like to offer the following comments/concerns regarding your staff report on options for siting of organic diversion facilities as well as the Waste Board Strategic Directive 6.1.

**1. The Waste Board needs to define the terms "Organic" and "Compostable Organic"**

The term "organic" is not defined by statute or regulation. Webster's Dictionary defines the term "organic" as: *"of, relating to, or derived from living organisms"* and *"of, relating to, or containing carbon compounds."* As such, based on the Statewide Waste Characterization Study released by the Waste Board in December 2004, the "organic" fraction of solid waste disposed in California landfills ranges between 70 and 80 percent.

The June 17, 2008, Waste Board staff report states that *"Organic materials comprise over 30 percent of the waste stream disposed in California landfills."* This statement is inconsistent with the Waste Board's 2004 Statewide Waste Characterization Study as well as the staff report that was presented to the Waste Board on December 11, 2007. In that report, staff indicated that *"Compostable organic materials comprises approximately 25 percent, or about 10 million tons, of what is disposed in landfills annually, and paper and woody portion of Construction & Demolition debris constitute another 13 or so million tons."* Thus, it appears that Waste Board staff made a distinction between the terms "organic" and "compostable organic," but did not make an attempt to define the terms.

The terms "organic" and "compostable organic" materials need to be clearly defined to avoid confusion among the legislature and regulatory bodies, regulated communities, and local governments that ultimately have to bear the cost. Furthermore, there is a need for the Waste Board to reexamine its Strategic Directive 6.1, which calls for 50 percent reduction in the amount of "organics" being disposed in landfills by 2020. Based on the December 11, 2007, Agenda Item 15, it appears that the goal is focused on the composting/diverting of source separated streams, such as green waste, food waste, manure, etc., and not the total "organics" currently being disposed in landfills. If the latter is true, jurisdictions in California may be faced with achieving a mandatory diversion rate of approximately 85 percent by 2020.

**2. The Waste Board needs to consider the findings of State and local efforts with regards to conversion technology**

The June 17, 2008, Waste Board staff report indicates *"Organic diversion facilities include compost, conversion technology, chipping and grinding, and transfer stations."* The Task Force commends the Waste Board for its recognition and inclusion of conversion technology into the organic diversion facilities category. However, we are disappointed with the Waste Board's staff report and recommendations which fail to recognize the findings of (a) the Waste Board's own three-year study on conversion technologies conducted pursuant to AB 2770, Chapter 740 of the 2002 State Statutes;

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(b) the conversion technology efforts by the County of Los Angeles; (c) the State Bioenergy Action Plan; and (d) the State Interagency Bioenergy Working Group. Unfortunately, these findings were not considered by the Strategic Policy Development Committee on June 10, 2008. We strongly believe that the Waste Board needs to consider these studies and efforts prior to any further action. This reevaluation will further substantiate that the Waste Board must place a greater reliance on the development and siting of conversion technology facilities rather than focusing on "soft" solutions such as forming more committees and conducting unnecessary duplicative studies.

We would appreciate your written response which would be of great interest to jurisdictions in Los Angeles County as well as those throughout the State. If you have any questions, please contact Mr. Mike Mohajer of the Task Force 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: Governor Arnold Schwarzenegger  
Cal EPA Secretary, Linda Adams  
Each Member of the California Integrated Waste Management Board  
California Integrated Waste Management Board (Mark Leary, Ted Rauh,  
Bobbie Garcia)  
California State Association of Counties  
The League of California Cities  
The League of California Cities, Los Angeles County Division  
Each Member of the County of Los Angeles' Board of Supervisors  
Each City Mayor in Los Angeles County  
South Bay Cities Counsel of Governments  
San Gabriel Valley Counsel of Governments  
Gateway Cities Counsel of Governments  
Southern California Association of Governments  
Each City Recycling Coordinator in Los Angeles County  
Each Member of the Los Angeles County Integrated Waste Management Task Force