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SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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September 28, 2017

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

Dear Mr. Smithline:

**COMMENTS ON THE SEPTEMBER 20, 2017, INFORMAL RULEMAKING
STAKEHOLDER WORKSHOP FOR SB 1383 SHORT-LIVED CLIMATE POLLUTANTS**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to thank the California Department of Resources Recycling and Recovery (CalRecycle) for providing the opportunity to comment on the Informal Rulemaking Stakeholder Workshop for Senate Bill 1383 (Lara, Chapter 395 of the 2016 State Statutes) Short-Lived Climate Pollutants (SLCP) addressing “Capacity Planning” and “Market Development” held in Sacramento on September 20, 2017. These comments will also be submitted through the online commenting form.

<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=2179&aiid=1988>

The Task Force remains concerned about concepts presented in previous workshops and would like to reiterate its previous comments, which are in the enclosed letter. The Task Force would appreciate CalRecycle’s consideration of its previous comments as well as the following additional comments on the regulatory concepts presented at the Workshop as part of the SB 1383 SLCP Rulemaking Process:

SB 1383 – REGULATORY CAPACITY PLANNING CONCEPTS

I. Identify Existing Capacity and Disposal

A. Organic Waste

- Commencing January 1, 2022, counties, in coordination with cities and,

if applicable, regional agencies within the county, will be required to identify existing organic waste recycling capacity that is “verifiably available” to ensure that no less than 75 percent of organic waste can be recycled by 2025 and every year thereafter (covering a 15-year period). The proposed regulations should clearly establish the roles and responsibilities of individual jurisdictions, regional agencies, counties, and the State, in identifying existing organic waste recycling capacity.

- Jurisdictions would be required to estimate the amount of organic waste that is “currently disposed.” CalRecycle should clarify the meaning of the term “currently disposed” (e.g., 2014, 2017, or 2022, etc.)
- Jurisdictions would be required to identify existing organic waste recycling capacity that is “verifiably available” for all organic waste, including wood and paper. CalRecycle should define what it means by “verifiably available.”
- CalRecycle should provide clarification on how this organic waste recycling capacity will be “verified.” For example, organic waste may be sent outside of the State and/or country for processing and it may be difficult to verify whether it is actually “recycled” through composting, anaerobic digestion (AD), biomass conversion, or any other operations with processes that reduce SLCPs as determined by the California Air Resources Board (CARB). CalRecycle should clarify whether it is the responsibility of the State, counties, or cities to verify that the organic waste is being processed through acceptable “recycling” facilities or operations. Also, CalRecycle should develop a standardized reporting system or verification procedure that will assist the applicable agencies in fulfilling this responsibility.
- With the implementation of the new “recycling” and disposal reporting requirements established under AB 901 (Gordon, Chapter 746 of 2015 State Statutes), CalRecycle has or will soon have access to capacity, tonnage, origin, and destination information for all waste and recyclable materials. CalRecycle should compile this information and share it with the applicable agencies to assist them in verifying the organic waste recycling capacity.

B. Edible Food

- CalRecycle stated that it intends to require counties, in coordination with cities, to estimate the amount of edible food that will be disposed by

the county and its cities in 2025 and every year thereafter for a 15-year period. CalRecycle should specify if this estimate would be limited to edible food disposed by large generators only or all generators. If CalRecycle requires counties and/or cities to complete this estimate for all generators, CalRecycle should consider providing a one-time contract to assist them in calculating baseline edible food disposal and establishing criteria for jurisdictions to use in complying with this requirement. This would also ensure that this calculation is performed consistently by all counties throughout the State.

- In order to estimate the amount of edible food that will be disposed by the county and its cities and identify the amount of edible food that will need to be recovered to ensure that no less than 20 percent of edible food is recovered in the year 2025 and every year thereafter for a 15-year period, counties in coordination with cities will need to first estimate edible food generation. CalRecycle should develop a methodology for estimating edible food generation to assist counties and cities in completing this analysis, similar to the adjustment method factors CalRecycle used in estimating solid waste tons generated.

II. Planning for Organic Waste Recycling and Edible Food Recovery

A. Implementation Schedule

- CalRecycle stated that if a jurisdiction has not been able to adequately demonstrate it has secured or plans to secure the needed capacity, it must submit an implementation schedule showing how it will secure access to new capacity. CalRecycle should specify whether the jurisdictions responsible for submitting implementation schedules are counties, cities, or regional agencies. The Task Force recommends this be performed by each individual jurisdiction (city or county for the unincorporated areas) as it would be difficult for a county to know if all cities have secured the necessary capacity through their individual waste hauling contracts.
- The implementation schedules are required to include timelines and milestones for planned or previous rate increases designed to fund organics recycling. CalRecycle should specify what type of rates it is referring to, and if these rate increases should be intended to fund organic waste collection, organic waste recycling infrastructure, or both.

- Presentation Slide 9 - CalRecycle should explain how the AD and compost facility capacity shortfall of over 2 million tons per year was calculated for Los Angeles County and provide the source for the data used in this calculation.
- Presentation Slide 10 – To increase the number of local organics materials processing facilities, CalRecycle should provide more funding for new organics materials processing facilities in addition to Cap and Trade revenues generated from Assembly Bill 32 (Nunez, Chapter 488 of the 2006 State Statutes) and Senate Bill 32 (Pavley, Chapter 249 of the 2016 State Statutes). Additionally, CalRecycle should focus on providing funding for facilities to serve Los Angeles County, which has the largest organics processing capacity shortfall, and the southern California region.

SB 1383 – REGULATORY MARKET DEVELOPMENT CONCEPTS

I. Compost, Mulch and Paper Products

A. Minimum Use and Procurement Standards

- In establishing mulch use standards for landscaping on publicly owned lands and large commercial properties, CalRecycle should specify the maximum mulch application depth in addition to the minimum. In addition, CalRecycle should clarify whether it is the responsibility of counties, cities, special districts, public universities/colleges, State agencies (e.g. Caltrans) and/or involved Federal agencies to enforce the mulch use standards on all publicly owned lands and large commercial properties within their jurisdictions.
- In establishing compost and/or mulch minimum application standards for new landscaping projects which require a building or landscaping permit, CalRecycle should specify who (see previous paragraph) will be responsible for enforcing these standards.
- If CalRecycle extends the State Agency Buy Recycled Campaign (SABRC) procurement standards for recycled organic materials and products to jurisdictions, CalRecycle should clearly specify which jurisdictions (i.e., cities, regional agencies, counties and/or the previously listed public agencies) will be required to comply with these procurement standards.

Biogas

- It is stated that CalRecycle and CARB are “seeking feedback on concepts relative to purchasing and use of renewable natural gas (RNG) derived from organic waste recycling”. CalRecycle should specify which activities that produce RNG will be considered recycling. CalRecycle should consider expanding the definition of biogas to include gas generated from non-combustion thermal conversion of organic waste, which has the capability of significantly reducing SLCP emissions.

II. Identifying Policies and Ordinances That Conflict with SB 1013 Targets

- CalRecycle stated that it is interested in receiving information on local policies and ordinances that could present barriers to the successful implementation of SB 1383 to determine if any action is needed to address them. There are public facilities that restrict the acceptance of waste outside a pre-determined waste-shed. Also, there may be public and private facilities which are subject to host fees on waste originating outside a pre-determined area. CalRecycle should clarify whether SB 1383 or other applicable law provides CalRecycle the authority to override such local restrictions or if it intends to seek such authority.
- The Task Force would appreciate being advised as to CalRecycle’s draft policies to monitor and enforce the SB 1383 requirements on special districts, public universities/colleges, and the Federal, State and regional agencies.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [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 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, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

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We respectfully request CalRecycle to address these questions, concerns, and recommendations in the next stakeholder workshop and any upcoming draft regulations. Should you have any questions regarding these comments, please contact Mr. Mike Mohajer, a member of the Task Force, at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,

Margaret Clark

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: CalRecycle (Howard Levenson, Mark de Bie, Cara Morgan, Hank Brady,
Georgianne Turner, Chris Bria & Marshalle Graham)
California Air Resources Board (Mary Nichols and David Mallory)
California Department of Food and Agriculture
California Department of Public Health
League of California Cities
League of California Cities, Los Angeles Division
California State Association of Counties
Each Member of the Los Angeles County Board of Supervisors
Sachi A. Hamai, Los Angeles County Chief Executive Officer
Each City Mayor/Manager in the County of Los Angeles
South Coast Air Quality Management District
South Bay Cities Council of Governments
San Gabriel Valley Council of Governments
Gateway Cities Counsel of Governments
Southern California Association of Governments (Frank Wen)
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task
Force
Each Member of the Task Force Alternative Technology Advisory Subcommittee
Each Member of the Task Force Facility Plan Review Subcommittee

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