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LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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August 10, 2016

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

Dear Mr. Smithline:

**COMMENTS ON AB 901 DRAFT DEVELOPMENTAL REGULATIONS FOR
DISPOSAL, DIVERSION AND ENFORCEMENT – June 24, 2016**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to express its appreciation to CalRecycle for conducting workshops to solicit input from 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 draft developmental regulations, which were published by CalRecycle on June 24, 2016, and has the following comments:

SPECIFIC COMMENT

SECTION X.2 DEFINITIONS OF DRAFT OF REPORTING REGULATIONS FOR
DISPOSAL, DIVERSION & ENFORCEMENT

(a) (27) Material Category

The draft regulations provide the draft methodology that waste haulers, transfer stations and material recovery facilities (MRF's), disposal facilities, recycling and composting operations, transporters and brokers of recyclable/compostable materials will now be required to report recyclable material and solid waste tonnage information to CalRecycle. These facilities will also have to report on an expanded list of material categories listed in Section X.2 (a) (27) of the draft regulations, such as paper, plastics, organics, glass, metals, construction and demolition debris, target products (as defined), mixed recyclable or compostable materials, and solid waste (as defined). The Task Force is concerned that with more facility types reporting on an expanded list of materials, it will not only be a burden for them to comply, but it also poses a question of accurate reporting of tonnage data to CalRecycle. Inter-related facilities will have to coordinate with each other, not only for tonnage data, but also for source sector information.

In coordinating the share of information, it is likely that tonnage data will not add up or be “double counted” as materials are being moved between facilities due to the various understanding of the regulations by each facility, the variety of weight scales used by each facility, and the environment of each facility that might increase or decrease the tonnage as it is transported from facility to facility. Additionally, this miss and/or double counting may negatively cause a jurisdiction to fail in meeting its allowable per capita disposal rate and thus be potentially subject to penalties by CalRecycle pursuant to Public Resources Code, Sections 40415, 40976, 41780.05 and 41825.

GENERAL COMMENTS

- As noted in Task Force’s June 8, 2016, letter to CalRecycle, the implementation of AB 901 appears to eliminate the process of facilities reporting disposal data to various local jurisdictions, which in turn causes jurisdictions to collect the disposal information directly from CalRecycle. Section 41821.5 of the California Public Resources Code states that disposal facility operators are required to provide counties that request disposal information to provide it, but in a form prescribed by CalRecycle. Counties need to be able to determine what is important to them. The Task Force is also concerned that the proposed regulations do not provide for information collected from recycling and composting operations, and transporters and brokers to be reported to counties. This will have an adverse impact on local jurisdictions’ ability to obtain disposal and diversion information, which is crucial in their respective waste diversion and recycling regulatory and planning purposes. Jurisdictions already encounter many difficulties in obtaining information from solid waste facilities, many of which are reluctant to provide the information due to the risk of exposing trade secrets to their competitors (along with other various reasons). Consequently, the regulations should not impede the ability of local jurisdictions to collect disposal and recycling/diversion information using their own authority.
- It was also discussed in Task Force’s June 8, 2016, letter to CalRecycle that the Task Force is seeking clarification on how CalRecycle plans to define an “end user” with respect to recyclable and compostable materials. In particular, the Task Force is especially concerned with materials shipped to “end users” outside the State of California or the United States. The California recycling industry is very complex and extends well beyond California and U.S. boundaries. It is imperative that these materials are properly tracked and reported until they have reached their final end market, in order to ensure that environmental responsibility is maintained as it relates to the materials’ final processing and reduction of GHG emissions.

Mr. Smithline
August 10, 2016
Page 3

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 in excess of 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 a collective group responsible for ensuring a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force respectfully requests that CalRecycle consider and address the above comments.

If you have any questions regarding this matter, please contact Mr. Mike Mohajer, a Member of the Task Force, at 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: CalEPA (Matt Rodriguez)
CalRecycle (Ken DaRosa, Christine Hironaka, John Sitts, Robert Carlson)
California Air Resources Board (Mary Nichols)
California Department of Food and Agriculture (Annette Whitford)
County Sanitation District (Grace Hyde, Chuck Boehmke, Christopher Salomon)
City of Los Angeles (Enrique Zaldivar, Karen Coca, Reina Pereira, Bernadette Halverson)
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task Force