

Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force

Minutes of March 18, 2010

County of Los Angeles Department of Public Works
900 South Fremont Avenue
Alhambra, California

COMMITTEE MEMBERS PRESENT:

Margaret Clark, League of California Cities-Los Angeles Division
Betsey Landis, Environmental Organization Representative
Mary Ann Lutz, League of California Cities-Los Angeles Division
Mike Mohajer, General Public Representative
Ron Saldana, Los Angeles County Disposal Association (Formerly GLASWMA)
Eugene Sun, League of California Cities-Los Angeles Division

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Gail Farber, represented by Carlos Ruiz, County of Los Angeles Department of Public Works
Dr. Jonathan Fielding, rep. by Cindy Chen, County of Los Angeles Department of Public Health
Stephen Maguin, rep. by Charles Boehmke, County Sanitation Districts of Los Angeles County
Gerry Miller, represented by Charles Modica, City of Los Angeles
Dr. Barry Wallerstein, represented by Jay Chen, South Coast Air Quality Management District

COMMITTEE MEMBERS NOT PRESENT:

Carl Clark, Institute of Scrap Recycling Industries, Inc.
Michael Conway, City of Long Beach
David Kim, City of Los Angeles
Sam Perdomo, Business/Commerce Representative
Greig Smith, City of Los Angeles
Steve Tye, League of California Cities-Los Angeles Division
Enrique Zaldivar, City of Los Angeles Bureau of Sanitation

OTHERS PRESENT:

Chuk Agu, County of Los Angeles Department of Public Works
Martins Aiyetiwa, County of Los Angeles Department of Public Works
Ray Chavez, City of Pico Rivera
Suk Chong, County of Los Angeles Department of Public Works
Rogelio Gamiño, County of Los Angeles Department of Public Works
Wayde Hunter, NVC/GHNNC
Susan Jennings, BFI
Natalie Jimenez, County of Los Angeles Department of Public Works
Jeff Juarez, County of Los Angeles Department of Regional Planning
Sevak Khatchadorian, County of Los Angeles Department of Public Works
Gregg King, Debris Box
Julia Lee, Center for Collaborative Policy
Maria Masis, County of Los Angeles Department of Regional Planning
Mark Patti, City of Santa Clarita
Nikolaus Reppuhn, County of Los Angeles Department of Public Works
Carrie Schneider, Clements Environmental
Coby Skye, County of Los Angeles Department of Public Works
Ted St. John, AECOM
Chan Vu, City of Bell Gardens

I. CALL TO ORDER

Meeting was called to order at 1:08 p.m.

II. APPROVAL OF MINUTES OF FEBRUARY 18, 2010

A motion was made to approve the minutes of February 18, 2010. The motion passed unanimously.

III. REPORT FROM THE ALTERNATIVE TECHNOLOGY ADVISORY SUBCOMMITTEE

Mr. Coby Skye reported that the Subcommittee met earlier in the day and discussed its public outreach efforts. Mr. Skye stated that the Subcommittee has been very effective in reaching out to a variety of environmental organizations. He stated that as part of the outreach efforts, the Subcommittee plans to meet in April with environmental justice groups, including some who have been opposed to conversion technologies in the past.

Mr. Skye reported that Phase III and IV contracts are pending approval by the Board of Supervisors. The Subcommittee expects the item to be considered by the Board of Supervisors at their April 20, 2010, meeting. The Subcommittee also heard an update from the City of Los Angeles regarding their alternative technology project. The City reported that they are in final negotiations with CART, the entity comprised by CR&R and ArrowBio, which is also on the shortlist for the County's conversion technology demonstration project.

IV. REPORT FROM THE FACILITY AND PLAN REVIEW SUBCOMMITTEE

Ms. Betsey Landis reported that the Subcommittee met earlier in the day and considered the Five-Year Review Report of the Countywide Integrated Waste Management Plan (Report). She stated that after minor revisions provided at the meeting, the Subcommittee moved to recommend approval of the Report by the Task Force. A motion was made to approve the Report. The motion passed unanimously.

V. CONSIDERATION OF FIVE-YEAR REVIEW REPORT OF THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN

See Item IV above.

VI. UPDATE ON REVEGETATION EFFORTS AT SUNSHINE CANYON CITY/COUNTY LANDFILL

Ms. Susan Jennings of BFI described the earlier revegetation efforts at the landfill, which included spraying the cut slopes with hydroseed mix; however, these efforts were not yielding the desired results. She stated that BFI then obtained the professional services of Dr. Ted St. John in 2007 in an effort to produce better results. That year, BFI began conducting revegetation experiments on various slopes at the site, which included permanent slopes, interim slopes of a relatively long-term nature, and short term interim slopes.

Ms. Jennings stated that in 2007 through 2008 BFI conducted an experimental project using irrigation, but the timing was unfavorable as it was a drought year and a fire year. BFI plans to continue the project and run the experiment during the time of the year most favorable to irrigation. Ms. Jennings identified the area south of the landfill where existing vegetation had been burned during wildfires in 2008. Other experiments included using different technologies and fertilizers as well as spreading greenwaste on the slopes. She stated that success from these experiments was limited but the revegetation efforts will continue, and a number of experiments are in the works to that end. Ms. Jennings noted that the grass currently growing on the slopes is not the desired vegetation but serves to condition the soil for future revegetation.

Ms. Jennings concluded that it is encouraging to see some growth where there was none before, and BFI is committed to comply with permit conditions and to make a concerted effort to grow coastal sage and native plants on the site.

Mr. Ted St. John of AECOM (formerly with Chambers, the consultant group which prepared the landfill's vegetation master plan) discussed a few specific reasons making revegetation so difficult at the cut slopes. These included fairly steep slopes and erosion, the fact that a significant part of the slope is bare rock, the presence of soils which have high concentrations of sulfate salts and high osmotic concentrations that make it difficult for plants to grow on.

Mr. St. John stated that the soil in the slopes was patchy in appearance and plant growth seemed to follow the soil pattern. He described the progress made in areas where the soils allow growth, and their plans to achieve better results. Mr. St. John concluded that progress has been made despite the difficult condition of the soils. He noted that the work continues to focus on places that do not allow plant growth.

Ms. Maria Masis of the County of Los Angeles Department of Regional Planning (DRP) stated that at the moment DRP does not have staff with the expertise to monitor the revegetation efforts at the Landfill. She stated that DRP, in

conjunction with the City of Los Angeles, is in the process to put out a request for proposals (RFP) for a mitigation monitor with the expertise to monitor the landfill's revegetation efforts and compliance with other Conditional Use Permit (CUP) requirements. The RFP is expected to be out within the next month.

A lengthy discussion followed. Task Force members expressed concern with the lack of progress and that after years of operation, there is still talk about "experiments." Mr. Wayne Hunter of the North Valley Coalition indicated that the lack of progress in revegetating the slopes is also impacting the adjacent community in the form of odor problems.

A motion was made to send a letter to DRP requesting clarification on the County departments that are responsible for enforcement of the CUP conditions as well as the specific functions of each department involved; send a letter to BFI to obtain an executable revegetation plan; and present the findings at the next Task Force meeting. The motion passed with Mr. Carlos Ruiz abstaining.

VII. PRESENTATION ON PROPOSED AMENDMENTS TO AQMD'S RULE 1193

No action. Item postponed until the next meeting.

VIII. LEGISLATIVE UPDATE

Mr. Sevak Khatchadorian provided updates on the following legislative bills ([see attachment](#)):

1. AB 1004—introduced by Portantino

Mr. Khatchadorian stated that with the passage of AB 274 (which the Task Force opposed unless amended), the State Solid Waste Postclosure and Corrective Action Trust Fund (Trust Fund) was enacted on October 11, 2009, allowing an operator of a landfill facility in operation after July 1, 2011, to pay into the Trust Fund a fee of \$0.12 per ton of solid waste land filled on a volunteer basis. The Trust Fund would be used by the State for postclosure and corrective action at any in-State landfill should the landfill operator be unable to conduct the required postclosure maintenance and/or corrective actions.

Mr. Khatchadorian noted that the fee will not be operative on or after January 1, 2012, unless CalRecycle receives by July 1, 2011, letters of participation in the Trust Fund from landfill operators representing at least 50 percent of the total value of waste disposed of in 2010. CalRecycle is also required to notify the State Board of equalization by August 31, 2011, if the increased fee will become operative and after January 1, 2015, to

report annual expenditures of the fund. AB 1004 would extend all of those dates by six months, except that the total volume of waste would be measured in 2010 standards.

A motion was made to send a letter opposing AB 1004 unless amended to make the requirements in the bill applicable only to privately owned landfills. The motion passed with Mr. Charles Boehmke abstaining.

2. AB 1793—introduced by Saldana

Mr. Khatchadorian stated that the Davis-Stirling Common Interest Development Act voids and makes unenforceable provisions of any of the governing documents of a common interest development that prohibits water efficient plants from being utilized. He stated that AB 1798 would amend the act to also void provisions of any governing document of a common interest development that would not allow the use of artificial turf or any synthetic surface that resembles grass.

A motion was made to send a letter expressing support for AB 1793 if amended to state that artificial turf used be permeable and adhere to product stewardship standards. The letter will also recommend that CalRecycle develop extended producer responsibility (EPR) standards for artificial turf. The motion passed with Mr. Mike Mohajer and Ms. Betsey Landis abstaining.

3. AB 1998—introduced by Brownley

Mr. Khatchadorian stated that AB 1998 would restrict supermarkets and retail spaces with pharmacies from providing plastic carryout bags to customers at the point of purchase. The bill would mandate stores to make available reusable bags for purchase or provide paper carryout bags that would be subject to a green bag fee (fee) of \$0.25 per bag. The paper carryout bags provided by stores must contain no old-growth fiber, be 100 percent recyclable, and contain a minimum of 40 percent postconsumer recycled material.

Mr. Khatchadorian stated that the bill would also establish the paper bag pollution cleanup fund (fund) in the State Treasury. Stores may retain \$0.05 of the fee to be used for reimbursement of the store's costs, development of in-store educational materials, and implementation of an educational campaign. The majority of the remainder of the fees deposited in the funds would be allocated through grants to cities and counties on a per capita basis for environmental programs.

Mr. Khatchadorian stated that CalRecycle must submit a report to the legislature regarding the effectiveness of AB 1998 on or before January 1, 2015. The report must include recommendations to further encourage the use of reusable bags by consumer and retailers and reduce the consumption of single-use carryout bags. He stated that AB 1998 would reduce the consumption of plastic and paper single-use carryout bags, while increasing the use of reusable bags, promoting the use of recycled material for paper carryout bags, and educating consumers and retailers regarding the need to reduce litter.

A motion was made to send a letter in support of AB 1998. The motion passed unanimously.

4. AB 2138—introduced by Chesbro

Mr. Khatchadorian stated that AB 2138 would prohibit a food provider after July 1, 2013, from distributing a disposable food service packaging or single-use carryout bag, unless the packaging or bag meets the criteria for either compostable packaging or recyclable packaging.

Compostable packaging means the packaging is accepted back for composting by the food provider, is accepted for composting in a residential collection program available to at least 75 percent of the households in the jurisdiction in which it is distributed, is made of material that meets the ASTM standard specification for compostable plastics, and is covered for composting at a rate of 25 percent or more.

Recyclable packaging means the packaging is accepted back for recycling by the food provider, is accepted for recycling in a residential collection program available to at least 75 percent of the households in the jurisdiction in which it is distributed, and is recovered for recycling at a rate of 25 percent or more.

Staff was instructed by the Task Force to watch the bill for any developments.

5. AB 2139, SB 1100, AB 2398 - EPR Bills

Mr. Khatchadorian noted that there are several EPR bills within the State Legislature including AB 2139, the California Product Stewardship Act, which covers sharps, propane tanks, household pesticides containers, butane lighters, and single use food packaging; AB 2398 which covers carpets; and SB 1100 which covers household batteries. He stated that

amendments to these bills are expected and staff will watch the bills until the amendments are made public.

6. AB 2176—introduced by Blumenfield

Mr. Khatchadorian stated that AB 2176 is a spot bill which declares the intent of the Legislature to deal with the disposal of compact fluorescent lamps. Staff will watch the bill until the substantive language of the bill is made public.

7. SB 1029—introduced by Yee

Mr. Khatchadorian stated that existing law regulates the sale, possession and disposal of sharps, and requires a prescription to purchase sharps for human use. The Disease Prevention Demonstration Project, which falls within the current law and went into effect January 1, 2005, with a sunset date of December 31, 2010, allows California pharmacies to sell up to ten syringes to an adult without a prescription.

Mr. Khatchadorian stated that SB 1029 would amend California's health and safety code to eliminate the sunset clause of the program and expand the number of nonprescription sharps for personal use from 10 to 30. The bill also requires pharmacies that provide nonprescription sharps to do one of the following: establish an onsite, safe, sharps collection and disposal program; make available mail-back sharps disposal containers authorized by the U.S. Postal Service that meets applicable state and federal requirements, and provides tracking forms to verify destruction at a certified disposal facility; and make available a personal sharps disposal container that meets applicable state and federal standards for disposal of medical waste.

A motion was made to send a letter expressing support for SB 1029 if amended to change the language on the bill from "one of the following" to "all of the following," which would ensure an onsite sharps collection program in the list of options for disposal of needles and syringes. The motion passed unanimously.

8. AB 1858—introduced by Blumenfield

Mr. Khatchadorian stated that SB 1858 would amend California's health and safety code to eliminate the sunset clause of the program and expand the number of nonprescription sharps for personal use from 10 to 30. AB 1858 would also expand the sources from which a person may acquire sharps to include not only licensed pharmacists but also technicians,

sharps exchange programs, or any other person authorized by law to provide sharps without prescription. The bill would also require the State Department of Public Health to establish an authorization process allowing local entities to provide sharps exchange services.

A motion was made to send a letter expressing support for AB 1858 if amended to include an onsite sharps collection program for the disposal of needles and syringes. The motion passed unanimously.

9. SB 624—introduced by Romero

Mr. Khatchadorian stated that this is the corresponding bill to AB 222. This bill would define the terms "anaerobic digestion." It would also define "composting operation" and "composting facility" as an operation or facility that produces compost, including but not limited to an entity that produces compost either aerobically or non-aerobically and an operation or facility that utilizes anaerobic digestion that does not process waste in excess of 140 degrees Fahrenheit. The bill would revise the definition of the term "transformation" to exclude anaerobic digestion.

A motion was made to send a letter expressing support for SB 624 if amended to delete the reference to 140 degrees. The motion passed unanimously.

10. SB 26—introduced by Simitian

Mr. Khatchadorian stated that the bill was amended to make technical non-substantive changes to the California Oil Recycling Enhancement Act. A motion was made to remove support for SB 26. The motion passed unanimously.

IX. PROPOSED WATER BOARD PERMIT FEE INCREASES AND STATE INTEGRATED WASTE MANAGEMENT FEE

Mr. Nikolaus Reppuhn provided a presentation ([see attachment](#)) on the proposed State Water Resources Control Board Permit fee and State Integrated Waste Management fee increases. He stated that Water Code, Section 13260, requires all persons discharging waste to pay annual fees which are to be deposited in the Waste Discharge Permit Fund (WDPF). It also requires the State Water Board to adjust these fees annually. Section 48000 states that each operator of a disposal facility pays a fee to the Board of Equalization. Revenue from these fees is to be deposited into the Integrated Waste Management Account (IWMA).

Mr. Reppuhn stated that if the fee established by Section 48000 does not generate revenues sufficient to fund programs, those reductions shall be equally and proportionally distributed between funding solid waste programs of the State Water Board and Regional Water Boards. Mr. Reppuhn stated that due to the declining revenue in the IWMA, the State Water Board expects to assess \$2.4 million in fees to make up for the decline in tipping fee revenue and meet anticipated budgeted expenditures. Therefore, the State Water Board anticipates using the existing land disposal fee schedule, "discounted" by 15 percent to assess fees at the appropriate revenue level to compensate for the revenue shortfall. Increases will range from \$2,000 to \$30,000 per landfill.

A motion was made to send a comment letter to CalRecycle and the State Water Board requesting that they reconsider implementing the proposed permit fee increases. The motion passed with Mr. Boehmke abstaining.

X. CALRECYCLE'S DRAFT REPORT ON ORGANIC WASTE MANAGEMENT AND LIFE CYCLE ASSESSMENT

No action. Item postponed until the next meeting.

XI. CARB BIOREFINERY PERMITTING GUIDELINES

No action. Item postponed until the next meeting.

XII. DTSC FRAMEWORK FOR SAFER PRODUCTS REGULATIONS

No action. Item postponed until the next meeting.

XIII. PRESENTATION ON THE 2008 COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN ANNUAL REPORT

No action. Item postponed until the next meeting.

XIV. REPORT FROM CALRECYCLE

No action. Item postponed until the next meeting.

XV. UPDATE ON COURT DECISION REGARDING LAWSUIT BROUGHT AGAINST REGIONAL WATER BOARD

No action. Item postponed until the next meeting.

XVI. NEXT MEETING DATE

The next meeting was scheduled for Thursday, April 15, 2010, at 1 p.m. in Conference Room D

XVII. OPEN DISCUSSION/PUBLIC COMMENT

There was no public comment. The meeting adjourned at 3:17 p.m.