



LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
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GAIL FARBER, CHAIR
MARGARET CLARK, VICE CHAIR

July 21, 2011

Mr. Howard Levenson, Deputy Director
Materials Management and Local Assistance Division
California Department of Resources
Recycling and Recovery (CalRecycle)
801 K Street, MS, 19-01
Sacramento, CA 95814

Dear Mr. Levenson:

**COMMENTS REGARDING PROPOSED DRAFT MANDATORY COMMERCIAL
RECYCLING REGULATIONS TO REDUCE GREENHOUSE GAS EMISSIONS**

On behalf of the Los Angeles County Integrated Waste Management Task Force (Task Force), we appreciate the opportunity to comment on the Department of Resources Recycling and Recovery's (CalRecycle's) proposed draft mandatory commercial recycling (MCR) regulations discussed at its July 19, 2011, Proposed Draft Mandatory Commercial Recycling Regulation Informal Stakeholder Feedback Workshop. We have reviewed the revised draft in concert with our previous comments and would like to offer the following comments related to the current iteration of the proposed MCR regulations and the "additional economic analysis" done to supplement the HF&H Cost Study.

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 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, 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.

PROPOSED REGULATION COMMENTS

As you may know, the Task Force has been urging the State to expand its efforts to encourage the development of recycling markets within California. Since the initial draft of these regulations was released, we emphasized the importance of ensuring local markets are available to manage the additional recyclable materials expected to be collected as these regulations are implemented. We noted that the latest revision of the proposed MCR regulations states their purpose is “to reduce greenhouse gas emissions by diverting commercial solid waste to recycling efforts and ***to expand the opportunity for additional recycling services and recycling manufacturing facilities in California***” (emphasis added). However, aside from this revision to the purpose statement of the regulations, there are no other revisions to the regulations that would in fact support this statement. The regulations as currently drafted would substantially increase the supply of potentially recyclable materials collected and do nothing to address market development. Without ensuring local markets for these materials, the end result of these regulations would be some combination of: 1. Commodity market price collapse due to a glut of materials; 2. Disposal of collected materials lacking a market for proper recycling; and/or 3. Increased exportation of recyclables to countries with lax pollution controls (the vast majority of recyclables currently collected are shipped to Pacific Rim countries). All of these scenarios have disastrous consequences and would likely result in an *increase* of GHG emissions. Therefore, the Task Force insists that the regulations be revised to incorporate specific and meaningful requirements to ensure the development of recycling markets in-state.

There is also an inconsistency between the proposed regulations and “Summary of Proposed Regulations” document (Summary) in stating the overall purpose of MCR. The regulations state “The purpose of this regulation is to reduce greenhouse gas emissions,” while the Summary states, “[t]he purpose of the proposed regulation is to increase the amount of commercial waste recycled in California.” As we have expressed in previous comments, there appears to be a disconnect regarding the true purpose of this regulation and the authority from which it stems. In developing MCR, the original goal of achieving a “5 million metric ton carbon dioxide equivalent” (5MMTCO₂E) reduction in GHG emissions annually by 2020 was the “end” which CalRecycle justified “the means” with: MCR as proposed. Since the 5MMTCO₂E was arbitrarily selected, the Task Force believes this approach caused, in some aspects, undeserved and unwarranted characteristics in the proposed regulations.

The Summary document specifies that a voluntary commercial recycling measure was considered, yet ultimately rejected by staff, based on the conclusion that the necessary volume of materials necessary to reach the 5MMTCO₂E GHG reduction target could not be achieved on a voluntary basis. At the same time, according to the Summary (as based on the HF&H Cost Study), anywhere from 1.5 to 3.5 million tons of commercial solid waste, out of approximately 27 million tons available, needs to be recycled to

achieve the target GHG reductions. This represents a targeted commercial solid waste diversion rate of between 5.5 and 13%. Given such a relatively low necessary diversion rate, the Task Force questions the need for MCR as proposed, and specifically the education/outreach and identification/monitoring mandates upon local governments, and of course, the associated financial/resource burden. Furthermore, the Task Force takes particular issue with how local government costs were either “beyond the scope of this [Cost] study” (and thus entirely ignored) or significantly underestimated. This approach by the State in justifying unfunded mandates needs reassessing since the need to implement state mandated programs is real and has consequences for jurisdictions.

Additionally, we wish to submit the following technical updates to the Proposed Regulations:

- **§95621(b)(5)** – For accuracy and so as to not preclude 4 unit multifamily complexes, this definition should read at the end “... or multifamily units of 4 or less than 4 units.”
- **§95621(b)(11)** – “Mixed Waste Processing” is defined as “processing solid waste that contains both recyclable and compostable materials and trash. The Task Force suggests “and/or” between recyclable and compostable since solid waste can contain only recyclables and trash or be comprised of only compostable materials and trash if “front-end methods” are utilized to remove all recyclable materials from the waste stream prior to transformation to the maximum extent possible.
- **§95622(a)(2)** – This section unnecessarily limits a business’ recycling service options with the statement, “that includes mixed waste processing,” the effect of this section would be identical without the limiting phrase. Additionally, this section is self-contradictory since mixed waste processing cannot and does not yield diversion results “comparable to source separation.” Furthermore, the attempted explanation of the phrase contained in the Summary and how it “establish[es] an expectation” is an insufficient regulatory standard.
- **§95622(b)** – besides the unenforceability of and possible legal issues with the second sentence of this subsection, it should, at minimum, be revised to read, “recyclable materials if as required to by property owners...” This is consistent with the Summary. The strong language of this section gives unreasonable authority to a property owner, and could be abused or used detrimentally against tenants.
- **§95622(e)(1)** – For consistency, should read, “city, county, city and county, or...”
- **§95623(d)** – Should read, “If prior to July 1, 2012...”
- **§95624(c)(1)** – For accuracy, this section should read, “the amount of solid waste disposal that is being diverted from disposal by the businesses...”

Another issue the Task Force noted was the circular nature of definitions whereby a certain term would be defined using a term that is elsewhere defined itself using the original certain term. This should be minimized to the greatest extent possible with clearly delineated, stand-alone definitions for pertinent terms. For example, "Disposal" and "Landfill" (§95621(b)(7) and §95621(b)(10) circularly refer to each other. Additionally, it remains necessary to differentiate between references to recyclable materials and diversion processes. For example, food waste and other compostable materials are included in the definition of "recyclables," however references to materials being managed need to reflect that they can be recycled or otherwise diverted from disposal. Alternatively, the Task Force feels these regulations could be referred to as the Mandatory Commercial Diversion Regulations to reiterate the fact that options besides "recycling" exist and are feasibly utilized in solid waste management.

The Task Force is pleased with §95623(c) which states, "a jurisdiction shall determine the specific material types included in its commercial recycling program..." as this flexibility is clearly necessary. However, it is not clearly stated, and thus conflict may occur, with which party (jurisdiction, business, hauler, material recovery facility [MRF]) has the responsibility to ensure that specified material types included in the commercial recycling program by the jurisdiction, are in fact diverted. For example, food waste and organics may be an included material type subject to recycling by businesses, but haulers may not be able or willing to provide separate bins (and thus pick-up) and local MRFs/infrastructure may not be able to process the material. Further exacerbating this confusion, Sections §95624(c)(1) & (2) make the jurisdiction responsible for the extent to which businesses recycle and MRFs recover materials. Since such a burden is shouldered by jurisdictions, the regulations need to include a mechanism to ensure the success of its selected and implemented commercial recycling program.

COST STUDY COMMENTS

The Task Force has previously communicated to both CalRecycle and CARB regarding flawed assumptions, exclusions or otherwise deficient analysis methodology leading to an incomplete and inaccurate representation of the solid waste management system in the Southern California region, and the County of Los Angeles in particular. The Task Force has not received replies concerning our concerns, which can be referenced in the enclosed correspondence letters. We feel these inaccuracies create a bias towards specific management scenarios and may lead to poor policy decisions that ultimately adversely impact the environment and will in fact increase GHG emissions overall. As exemplified by the additional economic analysis presented at the Workshop (please see Scenario 2, Scenario 2.1, and Scenario 2.2), a simple change in assumptions can make the difference between projecting a \$500 Million cost and projecting a \$500 Million cost savings. As such, the Task Force again stresses the necessity for accurate and appropriate factors to be used when making such foundational assumptions. Currently neither the Cost Study, nor CARBs recycling emissions reductions factor (RERF)

Mr. Howard Levenson
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methodology or composting emissions reductions factor (CERF) are accurate or use appropriate assumptions.

Thank you for the consideration of our comments. We look forward to continue working constructively with CalRecycle on this and other related issues. If you have any questions, please contact Mr. Mike Mohajer of the Task Force 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

MS

Enc.

cc: CalRecycle (Mark E. Leary, Cara Morgan, Brenda Smyth)
John Laird, Secretary, California Natural Resources Agency
Mary D. Nichols, Chairman of the California Air Resources Board
Webster Tasat, ARB Emission Inventory Analysis Section Manager
California State Association of Counties
League of California Cities
League of California Cities, Los Angeles County Division
Contract Cities Association
Independent Cities Association
Municipal Management Assistants of Southern California
Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor and City Manager in the County of Los Angeles
South Bay Cities Council of Governments
San Gabriel Valley Council of Governments
Gateway Cities Counsel of Governments
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Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Integrated Waste Management Task Force
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GAIL FARBER, CHAIR
MARGARET CLARK, VICE CHAIR

January 26, 2011

Mr. Mark E. Leary, Acting Director
California Department of Resources
Recycling and Recovery (CalRecycle)
801 K Street, MS, 19-01
Sacramento, CA 95814

Dear Mr. Leary:

**COMMENTS REGARDING PROPOSED MANDATORY COMMERCIAL RECYCLING
REGULATIONS TO REDUCE GREENHOUSE GAS EMISSIONS**

On behalf of the Los Angeles County Integrated Waste Management Task Force (Task Force), we appreciate the opportunity to comment on the Department of Resources Recycling and Recovery's (CalRecycle's) proposed mandatory commercial recycling (MCR) regulations discussed at its January 19, 2011, Proposed Mandatory Commercial Recycling Regulation Informal Stakeholder Feedback Workshop. The Task Force also sincerely thanks CalRecycle for considering comments previously submitted by the Task Force. At this time, we would like to offer the following comments related to the current version of the proposed MCR regulations and the HF&H Cost Study discussed during the informal stakeholder workshop. We are also meeting with representatives of the California Air Resources Board regarding their MCR analysis and will be submitting comments under a separate cover.

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 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, 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.

PROPOSED REGULATION COMMENTS

Many technical and necessary revisions have been made to the MCR proposed regulatory text (Proposed Regulations) directly in response to Task Force comments. Most noteworthy are the changes specified in "Handout #1" (copy enclosed) as distributed at the January 19, 2011, workshop concerning §9XXX4(f) of the Proposed Regulations, which separates the possible enforcement actions without creating a "double jeopardy" situation under both AB 32 and AB 939 enforcement protocol. In keeping with the topic of separating AB 32 and AB 939, the Task Force believes a dangerous precedent is being set by §9XXX4, which establishes an AB 32 MCR superiority clause and disregards compliance with AB 939 disposal targets. As stated in previous communications, we believe it is inappropriate to tie compliance with this regulation to an unrelated existing statute (AB 939, as amended; PRC Section 40000 et. seq.) since MCR relies on the adoption of the AB 32 Scoping Plan and is not tied to the diversion requirements of AB 939. Therefore, all references to (1) the 50% diversion requirement or disposal target, (2) source reduction and recycling element, and (3) household hazardous waste element should be removed and CalRecycle's authority should be established by the California Air Resources Board (ARB)/CalRecycle Enforcement Agreement per AB 32.

Additionally, several technical updates are necessary to the Proposed Regulations:

- **Subsection 9XXX1(b)** – The term "public entity" was introduced into the definition of both "business" and "hauler" (§9XXX1(b)(4) and §9XXX1(b)(9), respectively) but was not defined. To avoid any confusion, the term "public entity" should be defined and exemplified, i.e. "including but not limited to school districts, cities, state agencies, etc."
- **Subsection 9XXX1(b)** – The term "commercial recycling program" should be defined within §9XXX1(b) due to its extensive usage throughout the Proposed Regulations.
- **Subsection 9XXX1(b)(1)** – Please refer to "Annual Report" in §9XXX3(e) and §9XXX3(i)(4)(j) in a consistent manner, i.e. refer back to §9XXX1(b)(1) where it is defined.
- **Subsection 9XXX1(b)(11)** – "Mixed Waste Processing" is defined as "processing solid waste that contains both recyclable materials and trash **and yields diversion results comparable to source separation.**" This definition needs to be clarified because, as written, it could be read to preclude mixed waste processing from recycling processes. Depending on how diversion is accounted, these types of facilities do not yield comparable diversion result to other processing methods such as single stream processing. The definition should also be expanded to include "compostable materials."

- **Subsection 9XXX1(b)(14)** – The term “recycling facility” is not used elsewhere in the Proposed Regulations, and as such, we question the need for its definition.
- **Subsection 9XXX2(a)** – Should be expanded to read, “On or before July 1, 2012, the owner or operator of a business, as defined in §9XXX1(b)(4), shall, consistent with local requirements, recycle, compost, or otherwise divert its commercial solid waste by taking one or any combination of the following actions:”
- **Subsection 9XXX2(a)(1)** – Delete “or” from the sentence end.
- **Subsection 9XXX2(a)(2)** – Please see comment on Subsection 9XXX1(b)(11).
- **Subsection 9XXX3(a)** –Should be expanded to read, “diverts commercial solid waste generated by businesses, as defined in §9XXX1(b)(4), from disposal.”

COST STUDY COMMENTS

The HF&H Cost Study utilizes emission reduction factors provided by the ARB based on their document *Proposed Method for Estimating Greenhouse Gas Emission Reductions from Compost from Commercial Organic Waste*, which establishes the Compost Emission Reduction Factor (CERF). Unfortunately, many of the underlying assumptions of ARB’s methodology do not apply to the Southern California region. For example, the Report estimates that the sum transportation distance, including not only feedstock delivery but also compost delivery, is just over 75 miles. Unfortunately, the Los Angeles region has no commercial or regional composting facilities. Based on our experience, from the Los Angeles area to a composting or green waste facility, the estimate needs to be increased to approximately 150 transportation miles each way not including compost delivery. This one caveat, if taken into consideration, would triple the Transportation Emissions (T_e) factor. Correctly accounting for emissions is doubly important when considering the fact that the HF&F Cost Study makes the assumption that all organics will be composted.

Excluded from the scope of the HF&F Cost Study on Commercial Recycling were many vitally important factors and variables to Southern California, and especially the County of Los Angeles, that when omitted, provide an incomplete representation of the solid waste management system in our region. For example:

- **Public Education and Outreach** – While stated as altogether “beyond the scope of this study,” CalRecycle did provide their estimated figures for this aspect of the regulations at the January 19, 2011, Informal Stakeholder Workshop. The average “start-up costs” incurred by a large jurisdiction were estimated as \$115,000, with a total cost to *all* jurisdictions statewide totaling \$14.3M. The Task Force would like to note, as an example, that a single “mail-out” in the City of Los Angeles can incur a quarter million dollar cost, and as such, the figures presented seem to be underestimating the true impact this will

have upon large and already budgetary constrained jurisdictions. We believe that for the largest jurisdictions (over 1 million population), the annual cost of implementing a commercial recycling program that fully complies with the proposed regulations and includes comprehensive education, monitoring, and enforcement could range from \$2 million to \$10 million or more when fully loaded labor rates are considered.

- **Organic Materials** – This Cost Study assumes all organics (including green waste) will be composted (p.15). Unlike other parts of the State, the Los Angeles County region has no commercial or regional composting facilities. For the Los Angeles region, impacts such as increased traffic congestion, air pollution, and greenhouse gas (GHG) emissions as a result of transporting organic waste to out-of-region composting facilities must be taken into account especially considering the fact that 67% of the statewide tons disposed are generated in the “Southern California A” region. The Task Force would like to stress that other, superior options to composting exist and are being utilized or are currently in the development process, namely green waste as alternative daily cover (ADC) and conversion technologies (CTs), which were both explicitly excluded from the Cost Study. CTs are processes capable of converting residual waste into useful products, green fuels, and clean renewable energy without combusting the waste. The Task Force recommends the inclusion of CTs in the consideration of any solid waste management mandate expansion. Numerous studies, including those conducted by the State of California, have confirmed that CTs provide triple benefits with regard to GHG emissions reductions including reducing waste transportation, reducing landfill disposal, and displacing fossil fuels by producing fuel and energy, which composting is incapable of doing.
- **Export Commodities** – The Cost Study states that it assumes “paper, cardboard, metals, and plastics are exported to foreign recyclers” (p.14) while the correlative ARB proposed methodology for estimating Recycling Emissions Reduction Factor (RERF) (found in the accompanying document *Proposed Method for Estimating Greenhouse Gas Emission Reductions from Recycling*) utilizes distinct percentages for the remanufacturing destination distribution of various recycled materials in California. A single set of assumptions should be utilized.

As a result, flawed assumptions and missing factors are leading to an incomplete and inaccurate representation of the solid waste management system in Southern California. These inaccuracies create a bias towards specific management scenarios and may lead to poor policy decisions that ultimately adversely impact the environment.

Mr. Mark E. Leary
January 26, 2011
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Thank you for the consideration of our comments. We look forward to continue working constructively with CalRecycle on this and other related issues. If you have any questions, please contact Mr. Mike Mohajer of the Task Force 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

MS/RG:ts

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Enc.

cc: CalRecycle (Howard Levenson, Cara Morgan, Brenda Smyth)
John Laird, Secretary, California Natural Resources Agency
Linda S. Adams, Acting Secretary for Environmental Protection
Mary D. Nichols, Chairman of the California Air Resources Board
Webster Tasat, ARB Emission Inventory Analysis Section Manager
League of California Cities
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February 17, 2011

Webster Tasat, Manager
Emission Inventory Analysis Section
California Air Resources Board, PTSD/EIB
P.O. Box 2815
Sacramento, CA 95812

Dear Mr. Tasat:

**COMMENTS REGARDING PROPOSED MANDATORY COMMERCIAL RECYCLING
REGULATIONS TO REDUCE GREENHOUSE GAS EMISSIONS
CALIFORNIA AIR RESOURCES BOARD PROPOSED GREENHOUSE GAS
EMISSIONS REDUCTIONS METHODOLOGY**

The Los Angeles County Integrated Waste Management Task Force (Task Force) appreciates the opportunity to further comment on the proposed mandatory commercial recycling (MCR) regulations drafted by the Department of Resources Recycling and Recovery (CalRecycle) and the California Air Resources Board (CARB), which was discussed at the January 19, 2011, Workshop. During the Workshop, Mike Mohajer, a member of the Task Force, requested and you agreed to hold a conference call to discuss CARB's *Proposed Method for Estimating Greenhouse Gas Emission Reductions from Compost from Commercial Organic Waste* and *Proposed Method for Estimating Greenhouse Gas Emission Reductions from Recycling*. These documents were used to draft the proposed MCR regulations and were the underlying basis of information and assumptions used in developing the associated HF&H Cost Study on Commercial Recycling (Cost Study).

The Task Force sincerely thanks you, David Edwards, and CARB for considering our concerns and hosting a very constructive conference call on January 26. Our goal is to clarify that certain assumptions used in formulating the MCR regulations are not reflective of the Los Angeles County solid waste management system. As such, the Task Force would like to offer the following comments that are in addition to those previously submitted to CalRecycle on January 26, 2011 (copy enclosed).

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 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, 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.

RECYCLING COMMENTS

Export Commodities – The Cost Study states that it assumes “paper, cardboard, metals, and plastics are exported to foreign recyclers” (p. 14). However, the correlative CARB methodology for estimating the Recycling Emissions Reduction Factor (RERF) assumes, based on national data, that 36% of paper products are shipped to China and 64% are remanufactured in the United States. Although the Cost Study did not include precise figures or estimates, we have found that the determination made in the Cost Study is actually more consistent with reports from recyclers in Los Angeles County who indicate the vast majority of paper products they recover are shipped to foreign, mainly Pacific Rim, countries. When multiplied by the transportation emissions factor (T_e), the resultant emissions estimate is significantly underestimated since the T_e does not take into account the full emissions resulting from the shipment and processing of materials overseas.

Recycling Efficiency Factor – CARB directly utilized United States Environmental Protection Agency (USEPA) data in presenting the “recycling efficiency” of each material. The “recycling recovery efficiency (%)" factor presented by CARB is referred to as the “percent of recovered materials retained in the recovery stage” in the source USEPA document *Solid Waste Management and Greenhouse Gases*, 2nd Edition, EPA 530-R-02-006. The percentages presented range from 90 to 100%; however, real world recovery rates from facilities in Los Angeles County show that source separated material processing (“clean MRF” facilities) results in approximately 70% recovery while mixed waste processing (“dirty MRF” facilities) results in less than 25% recovery. Dirty MRF processing is the more prevalent processing method in Southern California yet was excluded from consideration in the Cost Study. The Task Force requests that the table incorporate more accurate recovery rates for various materials based on operating recycling facilities that would most likely be managing the additional recovered materials resulting from the implementation of this regulation.

Furthermore, the Task Force requests clarification as to whether the greenhouse gas (GHG) emissions from disposing the unrecoverable portion of these materials are

accounted for in CARB's RERF methodology. This is important to quantify because, for example, a large portion of the unrecoverable residuals of paper-based material sent to China are burned (oftentimes for energy production) with technology that does not meet California's environmental standards. This fact could be addressed by the inclusion of a "discount factor" that would adjust the final recovery efficiency.

COMPOSTING COMMENTS

Transportation Adjustment Factor – For the Los Angeles region, impacts such as increased traffic congestion, air pollution, and GHG emissions as a result of transporting organic waste to out-of-region composting facilities must be taken into account especially considering the fact that 67% of the statewide tons disposed are generated in the "Southern California A" region. In fact, according to CalRecycle's report *Third Assessment of California's Compost- and Mulch-Producing Infrastructure — Management Practices and Market Conditions*, "the Central Valley Region produces the most compost: feedstocks from the L.A. Basin, as well as from the Bay Area, are transported by truck to the Central Valley for composting" (p.28). Specifically, CARB's methodology estimates that the sum transportation distance is approximately 75 miles including not only feedstock delivery but also compost delivery. Based on our experience and as verified by CalRecycle's report, the estimate needs to be increased to approximately 150-200 transportation miles each way not including compost delivery.

Organic Materials Management – The Cost Study assumes all organics (food and yard waste) will be composted (p.15). Unfortunately, many underlying assumptions of CARB's methodology do not apply to the Southern California region. For example, unlike certain other parts of the State, Los Angeles County has no commercial or regional composting facilities. Instead, jurisdictions and private industry have necessarily invested millions of dollars in expensive equipment and infrastructure to implement green waste collection and recycling programs, which intend to utilize green waste for other purposes including mulch and alternative daily cover (ADC) at landfills. Jurisdictions in Southern California and other parts of the state now rely on this infrastructure to maintain compliance with the State's 50 percent waste diversion mandate (AB 939). The use of green waste as ADC is the most widely utilized organics waste management method in Los Angeles County and has numerous environmental and economic benefits including preventing the mining and wasting of clean soil that would have otherwise been used as daily cover, conserving landfill capacity by avoiding an additional cover material layer and the ability of green waste to compact and decompose over time, creating markets for the beneficial use of green waste, maintaining a local outlet for the beneficial use of green waste, and strengthening the curbside collection infrastructure for green waste. For these reasons, State law provides that the use of green waste for ADC as recycling. Due to Southern California's reliance on ADC and inability to efficiently utilize composting for organics waste management, the Task Force feels that an accurate emissions reduction factor needs to

be developed specifically for green waste utilized as ADC, and the Cost Study should be adjusted to reflect the most likely uses for green waste collected through the implementation of the MCR, in order to provide an accurate estimate of the potential GHG emissions impact.

Conversion Technologies – In a discussion where GHG emission reductions are relevant, it is worth noting that in addition to composting conversion technologies (CTs) have been found to be a very effective way of reducing GHG emissions in the management of solid waste. Numerous studies conducted regarding CTs, including studies completed by State environmental agencies, have demonstrated their capabilities to reduce air emissions including GHG emissions. In February 2008, CARB's Economic and Technology Advancement Advisory Committee (ETAAC) released its report entitled "Technologies and Policies to Consider for Reducing Greenhouse Gas Emissions in California." The ETAAC report noted that by conservative estimates, CTs have the potential to reduce annual GHG emissions by approximately five million metric tons of CO₂ equivalent in California based solely on the amount of biogenic electricity CTs were capable of producing. This happens to be the amount of GHG emissions MCR is optimistically expected to reduce except 100% of the reductions would be realized in California instead of only 20% by instituting MCR. Furthermore, the Task Force estimates the potential GHG reduction attributable to CTs may be substantially greater since CTs have a simultaneous triple benefit to the environment such as (1) reduction of transportation emissions resulting from long distance shipping of waste including GHG emissions, (2) elimination of methane production from waste that would otherwise be landfilled, and (3) displacement of the use of fossil fuels by net energy (fuel and electricity) produced by CT facilities. These potential reductions would be in addition to any reductions realized from MCR since CTs can manage the portion of the waste stream that is not recovered for recycling or composting. As such, the Task Force requests that CARB acknowledge the GHG reduction potential of CTs by developing a *Proposed Method for Estimating Greenhouse Gas Emission Reductions from Conversion Technologies* document, which would further inform future implementation of the Scoping Plan and related regulations such as MCR.

As a result of the issues identified above, imperfect assumptions and omitted factors are leading to an incomplete and inaccurate representation of the solid waste management system in Southern California. These inaccuracies create a bias towards specific management scenarios and deprive policymakers from being the "rational and informed actors" that they ought to be and are assumed to be by the Cost Study, which may ultimately lead to poor policy decisions that may adversely impact the environment and the public. Please find enclosed a CT information and fact sheet that provides additional details regarding CTs and how California can benefit from them, which was recently shared with the Governor's office in response to his goal of producing 20,000 new megawatts of renewable electricity in California by 2020.

Mr. Webster Tasat
February 17, 2011
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Thank you for the consideration of our comments. We look forward to continue working constructively with CARB and CalRecycle on this issue. If you have any questions, please contact Mr. Mike Mohajer of the Task Force 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

MS:ts

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Enc (2):

cc: CalRecycle (Mark Leary, Howard Levenson, Cara Morgan, Brenda Smyth)
John Laird, Secretary, California Natural Resources Agency
Linda S. Adams, Acting Secretary for Environmental Protection
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Each Member of the County of Los Angeles Board of Supervisors
Each City Mayor and City Manager in the County of Los Angeles
South Bay Cities Council of Governments
San Gabriel Valley Council of Governments
Gateway Cities Counsel of Governments
South California Association of Governments
Los Angeles County Department of Public Works (Pat Proano)
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 Technologies Advisory Committee