



LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyiswmtf.org

GAIL FARBER
CHAIRPERSON

December 8, 2008

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

Dear Ms. Brown:

**DISCUSSION OF ORGANICS POLICY ROADMAPS I AND II
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD MEETING
AGENDA ITEM 8, DECEMBER 16, 2008**

On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force, we respectfully request the California Integrated Waste Management Board (Waste Board) respond to our August 13 and 21, 2008 letters (copies enclosed) expressing significant concerns regarding the Waste Board's direction to rely primarily on composting to reduce organics in the waste stream (50% by 2020), rather than adopting a diversified and pragmatic strategy. By adopting strategies in addition to composting (which has significant shortcomings including siting difficulties; the need for large acreage of land; odor, air quality/greenhouse gas emission, and water quality concerns; lack of markets for end products due to product inconsistencies; and permitting/regulatory hurdles), California's solid waste infrastructure would be better insulated from shifting and often uncontrolled factors such as those relating to global markets.

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 10 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.

On December 9, 2008, the Waste Board's Strategic Policy Development Committee will be discussing Agenda Item C (Waste Board Item 8), Organics Policy Roadmaps I and II. According to the staff report, the Waste Board will be continuing its discussions from June 2008. Based on our review of the staff report, we were disheartened to learn that our comments expressed in letters dated August 13 and 21, 2008 were not addressed, let alone responded to. As detailed in these letters, the Task Force requests the Waste Board to:

1. **Define the terms "Organic" and "Compostable Organic" since they are not defined by statute, regulation or the Waste Board Strategic Directive 6.1.** Defining these terms is critical to the overall conversation especially since there is wide disagreement within the Waste Board itself on what these terms mean. For example, the staff report for this Item indicates organics account for 23 million tons of the disposal waste stream (approximately **55%**) while the June 17, 2008 (Item 10) staff report states "organic materials comprise over **30%** of the waste stream deposited in California landfills." Further, 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. Therefore, clear and distinct definitions are needed to avoid confusion among the legislature and regulatory bodies, regulated communities, and local governments which ultimately bear the cost of meeting the 50% organic reduction goal by 2020 as stipulated by the Waste Board Strategic Directive 6.1.

Furthermore, it is also very important that the Waste Board identify which organic waste stream category it is targeting for reduction. Based on the Waste Board December 11, 2007, Agenda Item 15, it appears that the goal is focused on composting/diverting source separated streams, such as green waste, food waste, manure, etc., and not the total "organics" currently being disposed of in landfills. If the latter is true, jurisdictions in California may be faced with achieving a mandatory 'back door' diversion rate of approximately 85 percent by 2020.

2. **Consider the findings of State and local efforts confirming that conversion technologies ('green' high tech technologies utilized in Europe and Japan which convert post-recycled solid waste into renewable energy, useful products, and green fuels) are capable of managing organic material in an environmentally sustainable manner.** According to the Waste Board's own

three-year study on conversion technologies (prepared at the request of the Legislature, Assembly Bill 2770, 2002 Statutes) and numerous other parallel studies, conversion technologies have been demonstrated to have numerous tangible benefits, including reducing greenhouse gas emissions, waste transportation, and landfill disposal; displacing fossil fuels by producing fuel, energy, and other products; and, creating green-collar jobs. By including conversion technologies in the 'tool box', it will help ensure the attainment of the desired organic reduction goal. Otherwise, the Waste Board will continue to be focused on 'soft' solutions such as forming more committees and conducting unnecessary duplicative studies and solely emphasizing a favored-technology. Such a direction is not consistent with Governor Schwarzenegger's statement/position that "Turning waste products into energy is good for the state's economy, local job creation, and our environment. By implementing biomass programs in California, we will help fight critical waste-disposal and environmental problems, including the risk of wildfires, air pollution from open field burning, and greenhouse gas emission from landfills."

- 3. Work closely with local jurisdictions in formulating State policy to reduce green waste alternative daily cover (ADC).** The use of greenwaste as ADC 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 greenwaste; and strengthening the curbside collection infrastructure for greenwaste. These benefits are especially important in Southern California since there is inadequate processing capacity for green waste and a limited market for compost made from greenwaste due to difficulties encountered in permitting/developing these types of facilities. This is particularly acute in urban areas due to lack of suitable land, stringent air quality regulations, and community reluctance towards the proximity of such facilities. Even if such facilities were developed elsewhere, greenwaste would still need to be transported over long distances, leading to higher trash rates and added traffic congestion and air pollution.

Although the formulation of State policy to reduce green waste ADC would significantly impact cities and counties, to date, the Waste Board has largely ignored seeking input from them. For example, the ADC Policy Workgroup convened by the Waste Board earlier this year to formulate ADC recommendations to the Waste Board was comprised of selected members from

Ms. Margo Reid Brown
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the private sector and environmental interest groups with virtually no local government representation. Thus, it is imperative that the Waste Board be inclusive in its solicitation for input rather than 'selective' input.

Due to the gravity of the concerns expressed, we respectfully request a written response to this letter as well as the August 13 and 21, 2008 letters as expeditiously as possible. 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

LL:

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Enc.

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
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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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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;

Ms. Margo Reid Brown
August 13, 2008
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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.

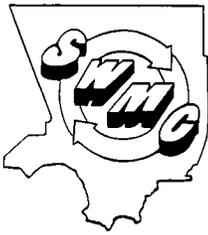
Sincerely,



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
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DEAN D. EFSTATHIOU
CHAIRMAN

August 21, 2008

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

Dear Ms. Brown:

POLICY OPTIONS TO REDUCE GREEN MATERIAL ALTERNATIVE DAILY COVER

On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force), I respectfully request the California Integrated Waste Management Board (Waste Board) to work with local governments in formulating State policy to reduce green waste alternative daily cover (ADC) since such policies will significantly impact their ability to comply with the State's 50 percent waste reduction mandate and result in other unintended environmental consequences. These options (Item 10 of the June 17, 2008, Waste Board Agenda), were considered by the Waste Board's Strategic Policy Development Committee at its June 10, 2008, meeting. These options included phasing out green waste ADC diversion credit, applying disposal and tipping fees on ADC, using generated revenues from these fees to promote development of composting facilities, as well as possible mandates on local jurisdictions to develop and adopt a 15-year composting capacity element similar to the existing Assembly Bill 939 mandated Siting Element. Unfortunately, these options were developed with virtually no input from cities and counties.

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 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 County-wide 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.

The use of greenwaste as ADC 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 greenwaste; and, strengthening the curbside collection infrastructure for greenwaste. These benefits are especially important in Southern California since there is inadequate processing capacity for green waste and a limited market for compost made from greenwaste due to difficulties encountered in permitting/developing these types of facilities. This is particularly acute in urban areas due to lack of suitable land, stringent air quality regulations, and community reluctance towards the proximity of such facilities. Even if such facilities were developed elsewhere, greenwaste would still need to be transported over long distances, leading to higher trash rates and added traffic congestion and air pollution.

Because of these significant benefits, in 1996 the Legislature passed Assembly Bill 1647 (Bustamante) to provide unrestricted diversion credit to green waste used as ADC, making a distinction from greenwaste disposed in the landfill. Due to this diversion credit, and because of the benefits listed above, jurisdictions and private industry invested millions of dollars in expensive equipment and infrastructure to implement greenwaste collection and recycling programs which provide for the separate collection of green waste to be used as ADC. Jurisdictions in Southern California and other parts of the state now rely on this infrastructure to manage green waste to maintain compliance with the State's 50 percent waste reduction mandate.

It is for the above reasons that the Task Force requests the Waste Board to work closely with cities, counties and other impacted communities in formulating State policy to reduce green waste ADC, especially those that will be significantly impacted by such policies. Further, while we are supportive of composting, shifting green waste away from ADC towards composting facilities will also result in increased trash rates, air pollution, and traffic congestion in Southern California. The Task Force also has strong reservations regarding the proposal to eliminate ADC diversion credit and thus mandating additional diversion mandates on local jurisdictions without considering the critical resources necessary to successfully meet them. Therefore, we respectfully request the Waste Board redirect its efforts to place a greater emphasis on diverting green materials currently being disposed rather than consuming resources on investigating ways to decrease the beneficial use of green waste as ADC as legitimized by Assembly Bill 1647.

While we share your desire to explore viable green waste management enhancement opportunities we must also consider the feasibility of such options and their relative impact on the operational and economic structures currently in place. Accordingly, it is requested that your Board include this Task Force in further stakeholder discussions to

Ms. Margo Reid Brown
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a much greater contributive extent in order to develop a more comprehensive set of alternative green waste management options.

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

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
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