

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

Minutes of January 15, 2009

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, Private Sector Representative

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Gail Farber, represented by Carlos Ruiz, County of Los Angeles Department of Public Works
Dr. Jonathan Fielding, represented by Ken Murray, County of Los Angeles Dept. of Public Health
Stephen Maguin, represented by Chris Salomon, County Sanitation Districts of Los Angeles County
Gerry Miller, represented by Charles Modica, City of Los Angeles
Greig Smith, represented by Nicole Bernson, City of Los Angeles
Dr. Barry Wallerstein, represented by Jay Chen, South Coast Air Quality Management District

COMMITTEE MEMBERS NOT PRESENT:

Christine Andersen, City of Long Beach
Carl Clark, Institute of Scrap Recycling Industries, Inc.
David Kim, City of Los Angeles
Sam Perdomo, Business/Commerce Representative
Enrique Zaldivar, City of Los Angeles Bureau of Sanitation

OTHERS PRESENT:

Chuk Agu, County of Los Angeles Department of Public Works
Gabriel Arenas, County of Los Angeles Department of Public Works
James Benken, County of Los Angeles Department of Public Works
Russell Bukoff, County of Los Angeles Department of Public Works
David Coscia, County of Los Angeles Department of Public Works
Rogelio Gamino, County of Los Angeles Department of Public Works
Rafael Garcia, Republic/Allied
Wayde Hunter, North Valley Coalition
Natalia Jimenez, County of Los Angeles Department of Public Works
Armine Kesablyan, County of Los Angeles Department of Public Works
Sevak Khatchadorian, County of Los Angeles Department of Public Works
Michael LaRussa, City of Calabasas
Larry McQuaide, United Pacific Waste
Tobie Mitchell, County of Los Angeles Department of Public Works
David Nguyen, County of Los Angeles Department of Public Works
Steven Samaniego, Rincon Environmental
Peter Zorba, City of Lancaster

I. CALL TO ORDER

Meeting was called to order at 1:05 p.m.

II. APPROVAL OF MINUTES OF DECEMBER 18, 2008

A motion was made to approve the corrected minutes of December 18, 2008. The motion passed unanimously.

III. REPORT FROM THE FACILITY AND PLAN REVIEW SUBCOMMITTEE

Ms. Betsey Landis reported that the Subcommittee met earlier in the day and discussed the draft revisions to Chapter 9 of the Countywide Siting Element entitled, "Out-of-County Disposal." She reported that staff was requested to revise and simplify the text and to focus more on whether there is adequate out-of-County disposal capacity to handle the export need and remove sections of the Chapter that are best discussed in other chapters of the Countywide Siting Element or other planning documents.

IV. REPORT FROM THE ALTERNATIVE TECHNOLOGY ADVISORY SUBCOMMITTEE

Ms. Tobie Mitchell reported that the Demonstration Project continues to move forward. She stated that the Evaluation Committee completed a very extensive technical review of the offers submitted from the conversion technology development teams in December and the Subcommittee is working on individual negotiations with the teams. Following such negotiations, the Subcommittee will make a recommendation to the Board of Supervisors as to which project(s) the County will be moving forward with.

Ms. Mitchell reported that the Request for Proposals (RFP) for an environmental consultant to guide the Subcommittee through Phases III and IV of the project were released in December 2008, and proposals from the consultants are expected in February 2009. She stated that the Subcommittee will be assembling an evaluation team to review the proposals.

Ms. Mitchell also reported that the Subcommittee discussed a report developed for the Massachusetts Department of Environmental Protection (MDEP) by the Tellus Institute. The report was released in December 2008 and it is intended to serve as guidance for solid waste management and strategies for that state. She indicated that the report discussed alternative technologies and cited the

County of Los Angeles' report on conversion technologies. However, the conclusions and recommendations in the Massachusetts report were contradictory to what was stated in the County's report. Therefore, the Subcommittee recommended that a letter be sent to the MDEP.

A motion was made to send a letter to the MDEP clarifying the Task Force's position on alternative technology and highlighting the County's progress on alternative technology projects. The motion passed unanimously.

Ms. Mitchell then reported that the Subcommittee requested the Task Force share information regarding conversion technologies and the County's project with President Obama's transition team as they develop their green technology strategy. A motion was made to send a letter to President Obama's transition team briefing them on the County's work regarding conversion technologies. A suggestion was made to forward the letter to the Head of the White House Environmental Council, Nancy Sutley, since she was the former Environmental Deputy for Mayor Villaraigosa. The motion passed unanimously.

V. OVERVIEW REPORT ON THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH'S PRELIMINARY DRAFT CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES FOR GREENHOUSE GAS

Ms. Mitchell reported that in June 2008, the Governor's Office of Planning and Research (OPR) released an interim guidance document regarding the analysis of greenhouse gas (GHG) emissions in environmental documents. Recommendations to lead agencies included identifying and quantifying GHG emissions that could result from a proposed project; analyzing the effects of those emissions; determining if the effect of those emissions is significant; and, for projects with a significant impact, identifying feasible mitigation measures or alternatives that would reduce the impact or level of significance. However, the document does not prescribe any specific approaches.

On January 8, 2009, OPR released preliminary draft amendments to the existing regulatory guidelines that address the analysis and mitigation of potential effects of GHG emissions ([see attachment](#)). OPR will hold workshops in January 2009 to discuss the guidelines and changes. Department of Public Works' staff will be monitoring these meetings.

Mr. Mike Mohajer stated that this is an important issue for cities, counties, and other agencies involved with a "project" as defined under the CEQA guidelines. He stated that the document attempts to establish a limited rule that the lead agencies would use to determine if a project complies with AB 32's requirements. At the same time,

the document also considers other relevant plans, such as the integrated waste management plan.

A motion was made to direct staff to compare the draft CEQA guidelines with the Task Force's policies regarding life cycle analysis and submit a letter with comments to OPR by January 26, 2009. The motion passed with Mr. Chris Salomon opposing.

VI. UPDATE ON CALIFORNIA AIR RESOURCES BOARD'S AB 32 PROPOSED SCOPING PLAN

Ms. Mitchell reported that on December 11, 2008, the Air Resources Board (ARB) approved the AB 32 Proposed Scoping Plan and ARB staff has begun work on developing detailed strategies to implement all of the recommended measures that must be in place by 2012.

Ms. Mitchell noted that the Task Force submitted comments in July and December 2008 stressing the need to expand the discussion in the Scoping Plan regarding conversion technologies and extended producer responsibility (EPR). Ms. Mitchell stated that while the adopted Scoping Plan did expand discussion of EPR and anaerobic digestion (a form of conversion technology), it omitted all other conversion technologies and recommended mandatory commercial recycling, as requested by Waste Board Chair Brown. She further stated that staff will continue to monitor the development of regulations.

In a related matter, Ms. Mitchell indicated that on January 27, 2009, the ARB will conduct a workshop to discuss the adoption of a fee schedule to be paid by sources of GHG to fund the administrative and implementation costs of the AB 32 Scoping Plan.

Mr. Mohajer stated that the ARB adopted mandatory commercial recycling solely on the basis that it reduces GHG. However, the ARB has yet to confirm this claim by conducting a life cycle analysis. He stated that when it comes to air pollution, there are no jurisdictional boundaries and life cycle analyses are necessary to determine the full impact of a measure.

VII. UPDATE ON AB 2296, LANDFILL FINANCIAL ASSURANCE

Mr. Mohajer reported that he participated in a teleconference with Waste Board staff on January 8, 2009, and in a workshop on January 12, 2009, regarding a proposal to create a pooled fund to cover the cost of post-closure activities and any necessary corrective actions, should a landfill operator failed to meet their financial responsibilities. He indicated that there always has been opposition to this proposal

since no matter what happens, local governments end up paying for the cost. So there is no need to pay for more fees to bail out the private sector.

Mr. Mohajer reported that the working group discussed splitting the pooled fund into private and public elements. He stated that estimated fees to support the pooled fund are \$0.09 per ton for a public landfill and \$0.13 per ton for a private landfill. Because of issues of divestiture related to the private sector, the fee for the private sector may go up to \$0.34 per ton to cover the costs.

Mr. Mohajer noted that there were three Legislative Bills introduced last year that unsuccessfully tried to establish a pooled fund. The Task Force opposed all three Bills because they did not address the needs of local governments.

VIII. UPDATE ON MANAGEMENT OF PHARMACEUTICAL WASTE

Mr. Mohajer explained that under SB 966, the Waste Board is required to develop a model program for the collection of home-generated pharmaceutical waste. Mr. Mohajer reported that on December 18, 2008, the Task Force sent comments to the Waste Board regarding their model program.

He stated that rules established in the Waste Board model program conflict with local governments' programs for the collection of home-generated pharmaceutical waste. Many local agencies, that already have collection programs, also voiced this concern. However, the Waste Board's response was that they can not change the model program since it is based on existing State law. Mr. Mohajer stated that the Waste Board's new regulations for collection of home-generated pharmaceutical waste are not mandatory. However, Waste Board grants for the program may be tied to compliance with the new rules.

Mr. Mohajer also reported that because of the protests of many jurisdictions, a modified model program may be brought to the Waste Board for consideration in February 2009.

IX. PRESENTATION ON AB 1109 LIGHTING TASK FORCE REPORT

Ms. Armine Kesablyan indicated that AB 1109 required the Department of Toxic Substances Control (DTSC) to form a Lighting Task Force to make recommendations on the best methods of collection, recycling and public education for the fluorescent light disposal. The Lighting Task Force comprised approximately 17 organizations from a variety of sectors.

The Lighting Task Force agreed to the following recommendations: the program would focus only on residential lights; public outreach would emphasize energy efficiency and environmental protection; the program would be administered by a third party organization; the program would be free to the public and as convenient as possible; and the program would be a shared responsibility by those who benefit from the sale of the product. One final consensus point by the Lighting Task Force was that only manufacturers that participate in the third party organization program would be allowed to sell their fluorescent lights in California.

Ms. Kesablyan stated that the recommendations submitted by the Lighting Task Force were only areas of consensus, and did not provide a clear conclusion or direction. She stated that the majority of the comments received from the stakeholders based on recommendations submitted by the Lighting Task Force favored a mandatory program ([see attachment](#)).

Mr. Mohajer stated that the report appears to be politically benign and does not do much for local governments. He made a motion to send a letter to Legislators who received the AB 1109 Report expressing appreciation for the work of the AB 1109 Lighting Task Force's staff but emphasizing that the report does not sufficiently address EPR and that the report needs to expand on the subject. The motion passed unanimously.

X. FOLLOW UP ON DISASTER DEBRIS REMOVAL MANAGEMENT PLAN

Mr. Ken Murray reported that he participated in the California Shake-Up Exercise as part of the earthquake preparedness drill. Mr. Murray stated that, as part of the exercise, he was able to review different debris management plans from various jurisdictions.

Mr. Murray noted that each plan had been developed for specific local use and without much coordination with other cities or jurisdictions. In his opinion, one important missing component in all of the plans was public input. Mr. Murray stressed the practical aspect of public input when planning the post-disaster event debris staging areas.

Mr. Murray reported that a financial component was also missing in the plans. He noted that the plans developed in compliance with the Federal Emergency Management Agency (FEMA) are eligible for reimbursement of funds spent on the debris processing costs. He stated that, as the agency responsible for planning for the waste needs of the entire region, the Task Force could spearhead the creation of a Countywide comprehensive model plan. A panel discussion ensued.

A motion was made to have staff look into the feasibility of developing a model Countywide disaster debris removal management plan that takes into account aspects such as public input, outreach to cities' associations, public health and safety, potential debris staging locations, comprehensive CEQA guidelines, and FEMA compliance. Staff will present findings to the Task Force at a subsequent meeting. The motion passed unanimously.

XI. LEGISLATIVE UPDATE

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

1. AB 87—introduced by Davis

This Bill would, on and after July 1, 2010, prohibit a large supermarket, pharmacy, or convenience food store with over 10,000 Sq. Ft. from providing a single-use carry out bag to a customer unless the store charges a fee of not less than \$0.25 per bag at the point of sale. The Bill would provide certain exemptions, and allow the retail establishment to retain a portion of the fee. 3 percent of the funds collected by the State would be utilized for cost administration, collection, enforcement, and auditing. 5 percent of the funds would be utilized by the board for implementation and promotion of programs related to single use carryout bags. Remaining moneys shall be expended to local governments on a per capita basis for litter prevention activities.

2. AB 68—introduced by Brownley

This Bill would, on and after July 1, 2011, prohibit a large supermarket, pharmacy, or convenience food store with over 10,000 Sq. Ft. from providing a single-use carry out bag to a customer unless the store charges a fee of not less than \$0.25 per bag at the point of sale. The Bill would provide certain exemptions, and allow the retail establishment to retain a portion of the fee. 80 percent of the funds collected by the State would be available for grants to local government on a per capita basis for litter prevention activities.

Staff was instructed to prepare a comparison of AB 87 and AB 68 and bring it to the Task Force at a subsequent meeting. Staff will watch any developments on both Bills.

3. SB 25—introduced by Padilla

This Bill would require the Waste Board, by a unspecified date, to develop a strategic and comprehensive plan to achieve a 60 percent and 75 percent diversion rate from landfill disposal or transformation.

4. SB 26—introduced by Simitian

This Bill would authorize a local enforcement agency to approve a consolidation point for the collection of home-generated pharmaceutical waste including but not limited to pharmacies, clinics, and government offices. It would exclude “home-generated pharmaceutical waste” from the definition of medical waste, and allow for grants provided by the State’s Integrated Waste Management Fund to be used by local governments for programs to help prevent the disposal of home-generated sharps waste and home-generated pharmaceutical waste at disposal sites.

5. SB 31—introduced by Pavley

This Bill would allow funds from the Air Pollution Control Fund to be expended upon technologies that reduce greenhouse gas emissions, including research and development, demonstration, deployment (especially for technologies that provide pollution reduction co-benefits), and green jobs development and training that will reduce greenhouse gas emissions.

Staff will monitor the Bill and provide the Task Force with recommendations at next month’s meeting.

6. SB 44—introduced by Denham

This Bill would abolish the California Integrated Waste Management Board and transfer its duties, responsibilities, powers, jurisdiction, liabilities, and functions to the Department of Conservation.

Staff will monitor the Bill and provide the Task Force with recommendations at next month’s meeting.

XII. REPORT FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

No action. Item postponed until the next meeting.

XIII. NEXT MEETING DATE

The next meeting was scheduled for Thursday, February 26, 2009, at 1 p.m.

XIV. OPEN DISCUSSION/PUBLIC COMMENT

Mr. Carlos Ruiz indicated that County Counsel is reviewing the court decision of November 26, 2008, regarding case number 06CC02974, City of Arcadia et al. vs. The State Water Resources Control Board and The California Regional Water Quality Control Board, Los Angeles Region. Staff was instructed to include this item on subsequent agendas, while County Counsel is reviewing the court decision.

There was no further public comment. The meeting adjourned at 3:21 p.m.