

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

Minutes of February 26, 2009

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

COMMITTEE MEMBERS PRESENT:

Betsey Landis, Environmental Organization Representative
John McTaggart, General Public Representative Alternate
Mike Mohajer, General Public Representative
Sam Perdomo, Business/Commerce 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
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:

Christine Andersen, City of Long Beach
Carl Clark, Institute of Scrap Recycling Industries, Inc.
Margaret Clark, League of California Cities-Los Angeles Division
Dr. Jonathan Fielding, County of Los Angeles Department of Public Health
David Kim, City of Los Angeles
Mary Ann Lutz, League of California Cities-Los Angeles Division
Greig Smith, City of Los Angeles
Enrique Zaldivar, City of Los Angeles Bureau of Sanitation

OTHERS PRESENT:

Paul Alva, County of Los Angeles Department of Public Works
Russell Bukoff, County of Los Angeles Department of Public Works
Rogelio Gamino, County of Los Angeles Department of Public Works
Rafael Garcia, BFI/Republic
Natalia Jimenez, County of Los Angeles Department of Public Works
Armine Kesablyan, County of Los Angeles Department of Public Works
Josh Kirschenbaum, Newwaste (NBR)
Linda Lee, County of Los Angeles Department of Public Works
Cesar Leon, BAS and Associates
Tobie Mitchell, County of Los Angeles Department of Public Works
Mohsen Nazemi, South Coast Air Quality Management District
Angie Nguyen, County of Los Angeles Department of Public Works
David Nguyen, County of Los Angeles Department of Public Works
Mark Patti, City of Santa Clarita
Lindsay Sagorski, County of Los Angeles Department of Public Works
Coby Skye, County of Los Angeles Department of Public Works
Daniel Valenzuela, SAIC
Bryan Yen, SAIC

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES OF JANUARY 15, 2009

A motion was made to approve the minutes of January 15, 2009. The motion passed unanimously with Mr. John McTaggart abstaining.

III. REPORT FROM THE ALTERNATIVE TECHNOLOGY ADVISORY SUBCOMMITTEE

Ms. Tobie Mitchell reported that staff will be participating in several events to promote conversion technologies and share more about the County's projects:

- SWANA 38th Annual Western Regional Symposium, April 6-9
- Biomass Conference and Expo, April 20-30
- Biocycle International Conference, April 27-30
- 17th Annual North American Waste to Energy Conference, May 18-20
- The Waste Expo, May 8-10
- The SWANA WasteCon, September 22-24

The Subcommittee assembled an evaluation team to conduct technical evaluations of the four proposals that were received from the four technology companies. Ms. Mitchell reported that the technical evaluation has been completed and staff has been meeting with technology suppliers and working to finalize agreements to present to the Board of Supervisors in May or June of this year.

In parallel, the County is working to procure an environmental consultant to guide the Subcommittee through phase III and IV of the conversion technology process. The County has received proposals from four environmental consultants and has assembled another evaluation committee that will review and make a recommendation on those proposals.

IV. REPORT FROM THE PUBLIC EDUCATION AND INFORMATION SUBCOMMITTEE

Mr. Mike Mohajer reported that the Subcommittee met earlier in the day and reviewed articles from several cities, private vendors and Public Works staff. The subcommittee considered the following articles for the next edition of *Inside Solid Waste*, which will be published in the first week of April:

- An article from the City of Santa Clarita on the City's Construction and Demolition ordinance.
- An article from the City of Inglewood on the Waste Board's Notice of Compliance Order.
- An article from the County of Los Angeles on the County's Generation Earth Program.
- An article from the City of Manhattan Beach and Waste Management on their School Recycling Program.
- An article from the County of Los Angeles on the County's Brag About Your Bag campaign.
- An article from the City of Industry on the Waste Board's WRAP award won by one of the City's businesses.
- An article from the County of Los Angeles on Countywide programs implemented by the Department of Public Works.

Mr. Mohajer reported that the Director of Planning and Community Development for the City of Irwindale, Ray Hamada, will be serving on the Public Education and Information Subcommittee. Mr. Mohajer stated that Mr. Hamada will be submitting an article on the development of a Material Recovery Facility and Transfer Station by Athens Disposal Services and the City of Irwindale. The facility's daily tonnage is expected to be 6,000 tons per day.

Mr. Mohajer disclosed that, as a resident of the San Gabriel Valley, he has reviewed the notice of initial CEQA preparation and has submitted comments on the project and is indirectly involved as private citizen.

V. UPDATE ON AB 2296, LANDFILL FINANCIAL ASSURANCE

Mr. Mohajer reported that the AB 2296 Working Group met on February 11, 2009, to discuss divestiture as it relates to the proposed pooled fund. However, the group was not able to achieve consensus due to opposition from public agencies which argue that divestiture is not an option for them. Therefore, the issue is currently off the table.

Mr. Mohajer stated that the Waste Board will review its Phase 2 proposed regulations for closure and postclosure of financial assurance for landfills on February 27, 2009. The Phase 2 regulations will have a 45 day review period which ends April 13, 2009, and the Waste Board will conduct a public hearing on April 21, 2009.

Mr. Mohajer stated that one of the goals of AB 2296 is to ensure that landfill operators provide financial assurances for their corrective actions. He stated that the State already has a requirement for corrective actions if it involves water quality issues. The proposed regulations would expand that financial mechanism to make it applicable to the Waste Board's purview such as, slope failure, landfill gas migration and maintenance of equipment. Mr. Mohajer stated that while the dollar amount for the program will remain the same, regulations will change to cover non-water quality issues under the purview of the Waste Board.

Mr. Mohajer stated that under existing regulations, landfill operators are required to provide financial assurances for 30 years for postclosure activities. However, the Working Group is currently considering reducing the coverage to 15 years under a number of conditions, making the financial assurance requirement for closure and post-closure possibly less stringent. Mr. Mohajer stated that the less stringent regulations are suitable for public agencies operating landfills as they will always be liable for the landfill. However, the same is not true for private landfills which can go out of business anytime or opt for divestiture and pass the financial responsibility to other parties.

Mr. Mohajer requested that staff provide a presentation on the proposed Phase 2 regulations. Based on information provided, the Task Force may submit comments to the Waste Board before the April 13, 2009 deadline.

VI. UPDATE ON SB 25

Mr. Mohajer indicated that SB 25, introduced by Senator Padilla of Los Angeles, attempts to change the diversion rate to 60 and 70 percent by an unknown date. He stated that the Task Force had requested a meeting with the Senator to discuss the necessary tools needed to implement the proposed diversion rate.

Mr. Mohajer reported that he met with the legislative director for Senator Padilla to discuss SB 25. He stated Senator Padilla's office agreed to meet again in Los Angeles or Sacramento to revisit the issue and discuss the concerns the Task Force has expressed to the Senator in numerous correspondence. A discussion ensued.

VII. UPDATE ON AIR QUALITY MANAGEMENT DISTRICT EMISSION CREDITS LAWSUIT

Mr. Mohsen Nazemi of the Air Quality Management District's (AQMD) Department of Engineering Compliance Division conducted a presentation on the status of the emission credits lawsuit and the ensuing court decision's impact on the permitting of facilities ([see attachment](#)).

Mr. Nazemi indicated that under Federal and State law, pollution control measures require facilities to obtain offset credits. He explained that there are two ways to obtain emission offsets: 1) the operator could shut down the equipment or set the environmental controls above the minimum standards as set by the regulatory program, and apply for emission reduction credit (ERC) or 2) receive offsets credits as an exempt project directly from AQMD's offsets bank. The offsets credits for AQMD's bank come from facilities that have reduced their emissions, shut down their emissions, or do not claim ERC.

Mr. Nazemi reported that in 2008, AQMD was sued in State and Federal courts by an umbrella environmental organization. The lawsuit claimed that AQMD's ERCs are not valid and should not be used. The organizations which filed the lawsuit included the Natural Resources Defense Council, Communities for a Better Environment, Coalition for a Safe Environment, California Communities Against Toxics (State suit only), and Desert Citizens Against Pollution (Federal suit only). The State court ruled in June and again in November in favor of the plaintiffs on the basis that AQMD has to conduct further environmental impact analyses. The lawsuit filed in Federal court is still pending.

As a result of the State court's decision, the district has not been able to issue offsets credits for permitting of essential public services, small sources, and other type of government agencies. The only remaining way to get permits from AQMD is to buy ERCs in the open market. However, there is a lack of ERCs in the open markets and the ones available are potentially unaffordable, especially for small sources.

Mr. Nazemi reported that over 1000 projects eligible for offset exemptions remain on hold because of the court's ruling. Only 11 of those projects have been able to buy credits. AQMD has addressed the issue by appealing the State court decision; initiating work to re-adopt its NSR offset tracking rule, which was invalidated by the State court's order; and engaging in mediation with environmental organizations.

VIII. UPDATE ON PHARMACEUTICAL WASTE

Ms. Armine Kesablian provided a presentation on the final criteria and procedures for model programs for the collection of home-generated pharmaceutical waste ([see attachment](#)). Ms. Kesablian reported that the Waste Board adopted procedures for model programs at its February 24, 2009, meeting. She stated that in order to meet the statutory deadline of December 31, 2008, the Waste Board adopted interim criteria and procedures for model programs at its November 2008 meeting. However, the Waste Board agreed to seek further comments from stakeholders and if applicable, make more revisions to the adopted criteria and procedures.

Under SB 966, the Waste Board was required to establish model programs for the collection and disposal of pharmaceutical waste. The Waste Board clarified that these criteria were to serve as a guide (recommendations, not requirements) for organizations creating and implementing new pharmaceutical waste collection programs. The criteria can be applied to three types of programs: permanent collections sites, temporary mobile collection events, and mail-back programs. The Waste Board clarified that participation is voluntary and that they wanted to ensure secure management and handling of home-generated pharmaceutical waste, and that it meets requirements under the Board of Pharmacy and the California Department of Public Health (CDPH). The Waste Board, however, reiterated at its Strategic Policy meeting in February 2009, that there is no sustainable fund to draw from at this time and that the home-generated pharmaceutical waste stream at this time is not eligible for the Household Hazardous Waste (HHW) grant funding either.

Ms. Kesablian reported that the Waste Board received a number of key comments from stakeholders regarding the program. There were comments regarding lack of funding, participation by existing programs, and participation by pharmacies in implementing take-back-programs. According to the Waste Board, many comments require statutory changes, such as changing the management of pharmaceutical waste from being under the Medical Waste Management Act, creating a streamlined permitting approach, and monitoring of controlled substances.

Ms. Kesablian reported that a number of comments submitted were incorporated, these include:

- Language regarding the segregation of pharmaceutical waste stating that home-generated pharmaceutical waste can be commingled in containers with other hazardous waste and that wastes commingled in this manner must be handled as medical or hazardous waste.
- Language to allow staff to assist consumers at collection events and sites, if necessary.
- Clarify that the containers mentioned in the criteria were samples of essential equipment that is recommended to be used at collection events.

In response to whether medications should be assumed to be a controlled substance if they are not readily identifiable, the Waste Board removed that language from the criteria and procedures.

Ms. Kesablian reported that at its meeting of February 24, 2009, the Waste Board approved the final criteria and procedures with the condition to revisit it in six months

to evaluate the legislative progress on this matter and the level of participation in the model programs.

Ms. Kesablyan stated that the Los Angeles County's HHW collection events and the permanent collection sites will not be considered as model collection programs under the adopted criteria and procedures.

IX. WASTE BOARD CONVERSION TECHNOLOGY REPORT UPDATE

No action. Item postponed until the next meeting.

X. PRESENTATION ON LIFE CYCLE ASSESSMENT OF ORGANICS

No action. Item postponed until the next meeting.

XI. LEGISLATIVE UPDATE

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

1. AB 64—introduced by Krekorian

This Bill would amend the renewable portfolio standard (RPS) program, effective January 1, 2011, to include local publicly owned electric utilities in the RPS program and to increase the renewable electricity requirements to the following: 20 percent by December 31, 2010; 25 percent by December 31, 2015; 35 percent by December 31, 2020; and a goal of procuring at least 50 percent by December 31, 2035.

This Bill also imposes new and contradictory regulations that remove municipal solid waste from eligibility as a source of renewable energy. A motion was made to oppose the Bill unless amended to eliminate the contradictory language. The motion passed unanimously with Mr. McTaggart abstaining.

2. AB 68—introduced by Brownley and AB 87—introduced by Davis

Mr. Skye stated that both Bills would impose a fee of \$0.25 per bag for single use plastic bags as well as paper bags. The fee is not subject to sales tax and the stores would be able to retain \$0.05 for each plastic bag and either \$0.07 or \$0.10, depending on the Bill, for paper bags. The funds would be used to reimburse stores for their costs for purchasing bags, administering the fee, and conducting outreach and education activities to reduce single use bags.

AB 68 and AB 87 differ in that AB 68 would be effective in 2011 while AB 87 would be effective in 2010. In addition, AB 87 amends current statute (AB 2449, the plastic bag recycling law), thereby retaining the law's bag recycling provisions. Also, AB 87 allows more of the remaining funds, beyond what the stores retain, to go directly to local governments on a per capita basis.

A motion was made to support AB 87. The motion passed unanimously with Mr. Charles Boehmke abstaining.

A motion was made to support AB 68. The motion passed unanimously with Mr. Carlos Ruiz and Mr. Boehmke abstaining.

3. AB 274—introduced by Portantino

This Bill would prohibit the owner or operator of a closed solid waste landfill that is subject to a closure or a postclosure maintenance plan from selling any portion of a closed waste management unit unless the intended purchaser provides satisfactory evidence of their ability to meet the financial assurances requirements under State law.

Staff was instructed to monitor new developments regarding this Bill.

4. AB 283—introduced by Chesbro

This Bill would create the California Product Stewardship Act of 2010 requiring the Waste Board to adopt regulations by July 1, 2011, that establish environmentally sound product stewardship protocols that encourage cradle-to-cradle producer responsibility and reduce the end-of-life environmental impacts of products.

A motion was made to send a letter to Assemblymember Chesbro expressing concern over the Bill. The correspondence should address the need for more input from local governments and regulatory agencies in crafting the Bill. The motion passed unanimously.

5. AB 473—introduced by Blumenfield

This Bill would require an owner of a multifamily dwelling, defined as a residential facility that consists of five or more living units, on and after July 1, 2010, to arrange for recycling services that are appropriate for the multifamily dwelling, consistent with State or local laws or requirements, including a local

ordinance or agreement, applicable to the collection, handling, or recycling of solid waste.

A motion was made to send a letter to Assemblymember Blumenfield expressing concern over the Bill. Previous correspondence from the Task Force on the issue of markets for recyclables should be attached to this letter. The motion passed unanimously

6. AB 478—introduced by Chesbro

This Bill would require the Air Resources Board to consult with the Waste Board in developing the regulations to include rules for the reduction of greenhouse gas emissions from solid waste reduction and recycling.

A motion was made to oppose the Bill. The motion passed unanimously with Mr. Jay Chen abstaining.

7. AB 479—introduced by Chesbro

This Bill would require a city or county to divert 60 percent of all solid waste through source reduction, recycling, and composting activities on and after January 1, 2015. The Bill would also require the owner or operator of a business that contracts for solid waste services and generates more than four cubic yards of materials per week to arrange for recycling service, consistent with State and local laws and requirements, and require local jurisdictions, by January 1, 2011, to adopt commercial recycling ordinances that include certain minimum requirements.

This Bill would, on and after January 1, 2010, increase the State waste disposal surcharge from \$1.40 per ton to \$3.90 per ton, and require \$2.50 of that fee to be provided to local jurisdictions on a per capita basis. After January 1, 2015, only jurisdictions that met the 60 percent goal would be eligible for the per capita funding.

A motion was made to oppose the Bill. The motion passed unanimously.

8. SB 44—introduced by Denham

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

A motion was made to oppose the Bill. The motion failed. Staff will monitor new developments regarding this Bill.

9. SB 55—introduced by Corbett

This Bill would revise California's Recycling Law ("CRV") by expanding the scope of covered containers to include vegetable, nut, grain, or soy drinks which contain any percentage of juice.

Staff was instructed to monitor new developments regarding this Bill.

10. SB 225—introduced by Florez

This Bill would authorize a district to create an emission reduction credit from the emission reductions resulting from a project that is funded from both public and private moneys if specified requirements are met.

Staff was instructed to monitor the Bill and update the Task Force at a subsequent meeting on new developments regarding this Bill.

11. AB 222—introduced by Adams

This is a spot Bill for legislation to advance biofuels and green power production in California.

A motion was made to send a letter to Assemblymember Adams expressing support for the Bill if the Bill is scheduled for a hearing at the Natural Resources Committee prior to the next Task Force meeting, and if it is amended to incorporate language previously supported by the Task Force, including removing the section of the public resources code that prohibits development of conversion technology facilities by requiring zero emissions, removing conversion technology out of the definition of transformation, and providing for conversion technology to become eligible for grants from the California Energy Commission.

The motion passed unanimously with Mr. Chen abstaining.

XII. UPDATE ON COURT DECISION ON LAWSUIT BROUGHT AGAINST REGIONAL WATER BOARD

No action. Item postponed until the next meeting.

XIII. REPORT FROM THE CIWMB

Mr. Mohajer indicated that Mr. Steve Uselton was unavailable to deliver the report from the California Integrated Waste Management Board as he was traveling to the City of San Jose to conduct a presentation on life cycle analyses. The item was postponed until the next meeting.

XIV. NEXT MEETING DATE

The next meeting was scheduled for Thursday, March 19, 2009, at 1 p.m.

XV. OPEN DISCUSSION/PUBLIC COMMENT

Mr. Ruiz indicated that County Counsel is still 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.

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