

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

Minutes of June 18, 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
Carl Clark, Institute of Scrap Recycling Industries, Inc.
Betsey Landis, Environmental Organization Representative
Mary Ann Lutz, League of California Cities-Los Angeles Division
Mike Mohajer, General Public Representative
Ron Saldana, Los Angeles County Disposal Association (Formerly GLASWMA)

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Gail Farber, represented by Carlos Ruiz, County of Los Angeles Department of Public Works
Dr. Jonathan Fielding, rep. by Gerry Villalobos, County of Los Angeles Department of Public Health
Stephen Maguin, rep. by Charles Boehmke, County Sanitation Districts of Los Angeles County
Enrique Zaldivar, represented by Karen Coca, City of Los Angeles Bureau of Sanitation

COMMITTEE MEMBERS NOT PRESENT:

Michael Conway, City of Long Beach
David Kim, City of Los Angeles
Gerry Miller, City of Los Angeles
Sam Perdomo, Business/Commerce Representative
Greig Smith, City of Los Angeles
Dr. Barry Wallerstein, South Coast Air Quality Management District

OTHERS PRESENT:

Chuk Agu, County of Los Angeles Department of Public Works
Martins Aiyetiwa, County of Los Angeles Department of Public Works
Rogelio Gamiño, County of Los Angeles Department of Public Works
Rafael Garcia, Republic/BFI
Peter Kokiousis, Remediation Earth
Michelle Leonard, HDR
Tobie Mitchell, County of Los Angeles Department of Public Works
Daniel Moscaritolo, Remediation Earth
Dave 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
Miguel Zermeno, City of Los Angeles

I. CALL TO ORDER

Meeting was called to order at 1:06 p.m.

II. APPROVAL OF MINUTES OF MAY 21, 2009

A motion was made to approve the corrected minutes of May 21, 2009. The motion passed unanimously.

III. REMARKS BY FORMER SENATOR AND CURRENT CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD MEMBER SHEILA KUEHL

Ms. Sheila Kuehl stated that at her request she was appointed to the California Integrated Waste Management Board (Waste Board) December 1, 2008, and attended her first meeting in January 2009. She noted that during her time in the legislature, she authored a construction and demolition waste bill and worked on extending grants directed to the management of waste. Ms. Kuehl stated that the Waste Board currently includes two other termed out legislators besides herself, chair Margo Reid Brown and Rosalie Mule.

Ms. Kuehl went on to say that the Waste Board has no staff of its own, except for one advisor. The staff for the Waste Board is supervised by the office of the Governor and as such can only support or oppose legislation as instructed by the Governor. Waste Board members cannot influence or testify on legislation unless they have the consent of the Governor, but have a great deal of decision making authority on matters related to regulation, loans, and grants.

Ms. Kuehl stated that the Waste Board has concentrated on three issues, the first of which is Extended Producer Responsibility (EPR). She agrees that a good place to start is to hold manufacturers and distributors more responsible for sharing the cost of disposing of products. She cited that former Waste Board and now Assembly member, Wes Chesbro, has made EPR his mission. She noted that the testimony and development of support from bodies like the Task Force has been extremely important in promoting EPR and stressed the importance of a continued support for it.

The second area the Waste Board is focusing on is organics. The Waste Board has adopted an organics roadmap in order to design a system to recycle 100 percent of organics. One of the areas where the Waste Board and the Task Force disagree is with regards to conversion technologies (CT), waste-to-energy, and other possibilities to keep as much of the organics out of the landfills as possible. Ms. Kuehl noted that the Waste Board will continue to work in this area.

The third area the Waste Board is focusing on is financial assurances for landfills that are closing. The Waste Board has expressed its desire to have guarantees for regular and ongoing maintenance over the course of 30 years for closed landfills and is also looking at reducing their requirement to 15 years for good behavior. The Waste Board is also trying to figure out what to include in the corrective actions in addition to the regular maintenance of closed landfills, but there has been a lot of opposition. Ms. Kuehl stated that although the Waste Board has instructed regulations to be drafted, a 45-day comment period will be available to find a middle ground that everyone can agree on.

Ms. Kuehl concluded that the Waste Board may be dissolved, as proposed by the Governor. However, there is much support for maintaining the Waste Board both from the public and other stakeholders as well as from the Legislature.

Ms. Margaret Clark stated that the Task Force has been a strong advocate of CT but the legislature has constantly refused to allow diversion credit for waste that could potentially be sent to CT facilities.

Mr. Mike Mohajer stated that AB 222 requires facilities to meet all air quality standards established by the Air Resources Board (Air Board) and the local Air Quality Management District or Air Pollution Control Districts in order to operate. Mr. Mohajer noted that any kind of industry or human activity is bound to discharge some toxic air.

Ms. Karen Coca stated that she hoped jurisdictions would be allowed to use alternatives and any means necessary at their disposal to manage waste.

Mr. Mohajer suggested the Waste Board takes a second look at the study it conducted in 2005 regarding CT and compare the results against AB 222.

Ms. Mary Ann Lutz asked Ms. Kuehl how the Task Force can better convey to the Waste Board through correspondence their opinions about legislation and the impact related to those legislations.

Ms. Betsey Landis stated that she has heard a number of entrepreneurs that have good innovative technology to take care of last residuals of trash after recycling and suggested having small energy producing vessels on the same lots as material recovery facilities (MRF).

Ms. Kuehl ended her response to the Task Force members' comments by focusing on communicating their concerns regarding legislation to the Legislature. She also

stated that with regard to sharps and pharmaceutical waste the Waste Board is receptive to suggestions for solutions and encouraged the Task Force to communicate those ideas.

IV. REPORT FROM THE CIWMB

Mr. Steve Uselton reported that the 2008 electronic annual report was released for local jurisdictions to begin their filing. He stated that a training webinar is scheduled to take place in Sacramento and approximately 180 local jurisdictions had registered for it. Mr. Uselton noted that entering program information is easier this year because of the establishment of an "easy button" that allows jurisdictions to use this feature to update all program activities that remain the same from last year. The due date for electronic reporting is August 3, 2009.

Mr. Uselton also reported that AB 32 resulted in the Waste Board working on a mandatory commercial recycling ordinance. He stated that the Waste Board plans to have an informal workshop on August 6, 2009, at the Air Quality Management District in Diamond Bar for local jurisdictions to provide comments on the ordinance. He indicated that the ordinance is a tool that the Waste Board has committed to developing as part of the AB 32 Scoping Plan approved by the Air Board.

Mr. Uselton also reported that an economic incentive workshop was held earlier this week. The workshop received comments in support of conversion technologies and the difficulty in getting recovery facilities started because of the low cost of disposal in some regions. Local Task Forces also expressed interest in following the organics life cycle assessment and economic analysis of greenhouse gas alternatives. A workshop is scheduled for June 26 in Sacramento. This workshop will be webcasted and questions can be emailed to the webinar.

In addition, a stakeholder workshop on strategic directive 8.3 concerning alternative daily cover (ADC), food-waste, composting and anaerobic digestion is scheduled for July 22, 2009, in Sacramento. This workshop will also be webcasted.

V. UPDATE ON AB 2296 (LANDFILL CLOSURE, POSTCLOSURE, CORRECTIVE ACTIONS AND FINANCIAL ASSURANCE)

Mr. Mohajer reported that the Phase II regulations for closure, postclosure, and funding assurance for landfills are expected to come out within two weeks, after which a 45-day review period will follow.

He reported that on June 16 the AB 2296 working group (working group) considered recommendations to the legislature regarding closure, postclosure, and corrective

actions for landfills. The working group is recommending implementation of the pooled fund, which the Task Force has opposed on the basis that local governments will always be liable for landfill clean up while private sector operators can simply divest and avoid any liabilities.

Mr. Mohajer reported that on the recommendation of Waste Board member Kuehl, the working group had agreed to change the word "pooled fund" to "pooled funds," to establish a separate private pooled fund to hold the private sector liable for landfill clean ups. The recommendation will go to the Legislature on or before July 1.

Mr. Mohajer stated that the working group will reconvene in Sacramento on July 9 to continue discussions on the establishment of a fund for corrective actions. He stated that previously the working group decided to have only one fund for water and non-water related issues. Ms. Kuehl recommended to use either the funds for water related issues or the dollar amount that is needed to replace the complete cap of the landfill. The latter sum is significantly higher and was opposed by cities and counties. Working group staff will most likely discuss this item at the July 9 meeting.

VI. UPDATE ON PHARMACEUTICAL AND SHARPS MANAGEMENT, AND EXTENDED PRODUCER RESPONSIBILITY (AB 283)

Mr. Mohajer reported that for all practical purposes, AB 283 is dead this year but what the bill is trying to accomplish may take the form of an amendment on a different bill. He stated that the Senate is looking at SB 26 to address some of the issues regarding the management of sharps and pharmaceutical waste. He noted that AB 283 is now a two-year bill.

Mr. Mohajer indicated that the County is the local health officer for the majority of the cities and the unincorporated areas in the County. In addition, the County operates all the County hospitals and purchases a large amount of sharps and pharmaceuticals. He noted that the County in conjunction with cities, hospitals, and pharmacies could use their purchasing power to compel pharmaceutical companies to assist cities and counties with the cost of managing sharps and pharmaceutical waste.

A motion was made to instruct staff to look into what the County purchases in terms of sharps and pharmaceutical waste and evaluate the purchasing power of the County when coupled with those of the cities, hospitals and pharmacies. The findings will be presented at the Task Force meeting in August, at which time a determination for a recommendation to the Board of Supervisors will be made. The motion passed unanimously.

VII. REPORT FROM THE ALTERNATIVE TECHNOLOGY ADVISORY SUBCOMMITTEE

Ms. Tobie Mitchell reported that the agreements between the County and the conversion technology companies to develop one or more demonstration facilities are nearing completion and will soon be presented to the Board of Supervisors. In addition, an environmental consultant has been chosen for Phases III and IV. This consultant agreement will be presented to the Board of Supervisors for approval along with the agreements.

Ms. Mitchell reported that over the past months staff has been actively sharing information on conversion technology at several conferences and meetings. These events include the Waste Conference in San Diego, the Biomass Collaborative in Sacramento, and just last week the American Public Works Association, Ventura Chapter.

VIII. UPDATE ON THE CITY OF LOS ANGELES ALTERNATIVE TECHNOLOGIES PROJECT

Mr. Miguel Zermeno of the City of Los Angeles (City) provided an update on the City's alternative technology project.

Mr. Zermeno stated that in order to reduce the reliance on landfills, the Mayor directed the Bureau of Sanitation (Bureau) to establish an alternative technology facility capable of processing Municipal Solid Waste (MSW). In addition the City Council adopted the "Renew L. A." plan which called for establishing seven conversion technology facilities: six within city wastesheds and one outside city boundaries.

Mr. Zermeno stated that in February 2007 the Bureau released a request for proposal (RFP) seeking partners to develop proven commercial facilities that can process between 200 and 1,000 tons per day (tpd) and emerging conversion technologies facilities capable of processing less than 100 tpd. The RFP required the technology, whether commercial or emerging, to be able to process MSW similar to that generated in the City.

In August 2007, the City received 13 proposals from across the U.S. as well as from abroad, including Canada, Germany, Israel, Japan, and Spain. Proposed technologies included mechanical, biological, thermotechnologies employing automated and manual sorting, anaerobic digestion, composting, gasification, pyrolysis, and advanced recycling, known as second generation of combusting technology.

The City put together a seven member panel which included members from the academia, industry, Department of Water and Power, and City staff. Only four of the 13 proposals passed the RFP evaluation criteria.

The Bureau of Sanitation presented a recommendation to the Board of Public Works requesting an additional 60 days to further evaluate the current financial status of the companies given the current global economic crisis and their ability to acquire emission reduction credits, in light of the Southern California Air Quality Management District (SCAQMD) permit moratorium. The Board of Public Works granted the 60-day period for the Bureau of Sanitation to address these concerns at which time the Bureau has to provide a list of ranking proposals.

Discussion followed.

IX. UPDATE ON AB 222 (CONVERSION TECHNOLOGIES), AND AB 479 AND SB 25 (75 PERCENT DIVERSION RATE AND MANDATORY COMMERCIAL RECYCLING)

Mr. Mohajer reported that AB 222 was amended on May 28. The amendment does not allow diversion credit for the first 50 percent of the waste diversion unless the State increases the diversion rate to higher than 50 percent.

Mr. Mohajer stated that the bill is in the Senate Rules Committee and, by July 6, will most likely move to the Environmental Quality Committee where a stiff opposition is expected.

Mr. Mohajer reported that AB 479 passed the Assembly and is now in the Senate Rules Committee waiting to be assigned to the Environmental Quality Committee where a tacit approval is expected. AB 479 requires 60 percent diversion rate by 2015 and 75 percent by 2020 with full increases to the tipping fee from \$1.40 to \$2.90. Mr. Mohajer stated that there is a possibility that the 60 percent requirement by 2015 will be eliminated but the 75 percent by 2020 will be kept. He stated that for all practical purposes the bill remains the same.

Mr. Mohajer stated that SB 25 and AB 479 passed the Senate and has been assigned to the Assembly Natural Resources Committee. He noted that both bills require mandatory commercial recycling. He stated that he attended the last Waste Board meeting and was concerned by the Waste Board strategic directive calling for the promulgation of a rulemaking for mandatory commercial recycling. He stated that the Waste Board is trying to impose mandatory commercial recycling on local governments through both legislation and regulation. A motion was made to forward

a letter to the Waste Board raising this issue and reiterating the Task Force's position on conversion technologies, mandatory commercial recycling programs, and diversion rate. The motion passed unanimously.

X. "INSIDE CAL/EPA" ARTICLE REGARDING AB 222

Ms. Mitchell reported an article entitled *Measure Seen Boosting Federal Provision: Activists Battle Bill Defining Waste-to-Energy as Renewable* that was published in the June 4, 2009 edition of *Inside Cal/EPA*. The article is a one page critique of AB 222 with a bias in favor of the opposition to the bill.

Ms. Mitchell stated that the article misquoted the bill. For example, the article claims that AB 222 would eliminate current environmental protections and State policies. However, the bill clearly states that a conversion technology facility or biorefinery must meet or exceed all standards set by the Air Board or local pollution control districts regarding contaminants or emission and meet or exceed all water quality standards set forth by the State Water Resource Control Board.

Another point that the article misquotes was that AB 222 would discourage recycling, allowing jurisdictions to get credit towards their waste reduction mandate. However, the bill states that a jurisdiction may not count waste sent to a biorefinery as disposal reduction for purposes of meeting AB 939's 50 percent diversion mandates. If future changes in the law require disposal reduction levels above 50 percent, then the waste sent to a biorefinery may be counted towards disposal reduction only if the jurisdiction, to the maximum extent feasible, has removed all the recyclable materials from the diverted waste.

Ms. Mitchell stated that it is important to consider the impacts of such a biased article since *Inside Cal/EPA* is a highly influential publication in Sacramento which is read by many decisions makers and state agency staffers. She stated that the bill sponsors have contacted the publication and discussed their support position.

A motion was made to send a letter to *Inside Cal/EPA* expressing the Task Force's concern for publishing the article without substantiating some of the claims they made which are contrary to what AB 222 proposes. The letter will also state the reasons why the Task Force supports the bill. The motion passed unanimously.

XI. LEGISLATIVE UPDATE

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

1. HR 1158 and S 306—introduced by Higgins and Nelson, respectively

Mr. Gamiño stated that these Bills were introduced simultaneously in the Senate and House of Representatives. Each Bill, known as the Biogas Production Incentive Act of 2009, would allow a business-related tax credit for the production, sale, or use of biogas. It defines “biogas” as a gas that is derived by processing qualified energy feedstock in an anaerobic digester, provided certain conditions are met.

Mr. Mohajer stated that this Bill includes biogas that is produced through conversion technologies. Staff was instructed to bring back the item at the next meeting.

2. HR 2091—introduced by Moran

This Bill, known as the Plastic Bag Reduction Act of 2009, would supersede State statutes and impose a retail tax on single-use carryout bags in the amount of \$0.05 on and after January 1, 2010, and \$0.25 on and after January 1, 2015. The Bill would also establish the Single-Use Carryout Bag Trust Fund where the impending fees will be collected for allocation.

Staff was instructed to watch the Bill for any new developments.

3. S 1172—introduced by Brown

This Bill, known as the Rubbish to Renewables Act of 2009, would direct the Secretary of Energy to establish a grant program by providing Federal funds up to \$10 million for eligible projects—total appropriation \$250 million for each fiscal year between 2010-2013, to facilitate the production of clean, renewable energy from municipal solid waste, and additional purposes.

A motion was made to forward a letter of support for the Bill. The motion passed unanimously.

XII. REPORT FROM THE FACILITY AND PLAN REVIEW SUBCOMMITTEE

Ms. Betsey Landis reported that the Subcommittee met earlier in the day and heard a presentation on amendment number three to the City of Pomona’s Nondisposal Facility Element (NDFE). The amendment covers two facilities owned and operated by West Coast Recycling Services doing business as (dba) Mission Recycling.

Ms. Landis reported that after some discussion the Subcommittee moved to concur with the staff recommendations to approve the amendment to the City's NDFE. She requested that the Task Force concurs with the staff recommendations to approve amendment number three to the City of Pomona's NDFE.

XIII. CONSIDERATION OF 3RD AMENDMENT TO CITY OF POMONA'S NONDISPOSAL FACILITY ELEMENT

Mr. Martins Aiyetiwa reported that the Mission Recycling facilities were both located within a mile of each other in the City of Pomona. He stated that one facility had been operating for three years and the other for six years and both facilities were required to have solid waste facility permits because they did not meet the Waste Board's adopted three part test to qualify for exemption.

The test requires any facility that operates in California and generates residuals of more than 10 percent of the waste to have a solid waste facility permit. The facilities in question generate residuals in excess of 10 percent, bringing them under Waste Board regulations.

Both facilities have temporary solid waste facility permits which will expire in June 30 2010. In order to obtain a permanent solid waste facility permit, both facilities must be included in the City's NDFE. Both facilities have satisfied all the Task Force and State law requirements.

A motion was made to approve the amendment to the City of Pomona's NDFE. The motion passed unanimously.

XIV. PRESENTATION ON REGULATIONS TO REDUCE METHANE EMISSIONS FROM LANDFILLS PURSUANT TO AB 32

Ms. Lindsay Sagorski provided a presentation on Regulations to Reduce Methane Emissions from Landfills ([see attachment](#)). She stated that the Air Board approved the landfill methane capture strategy as an early action item required by AB 32, the Global Warming Solutions Act. She also indicated that the Air Board is the lead agency for the project and the regulations are expected to be in effect in the fall of 2009.

Ms. Sagorski stated that the main goals of the regulation are to install new methane control systems at landfills that currently don't have them and to establish Statewide performance standards to maximize methane capture efficiencies. This applies to landfills that received waste after January 1, 1977. However, it does not apply to landfills that received only hazardous waste, or landfills that are regulated under

comprehensive environmental response compensation and liability act, and landfills that contain only non-decomposable solid waste.

Ms. Sagorski indicated that the criteria for determining if a gas collection and control system is necessary is as follows:

- If an MSW landfill has more than 450,000 tons waste-in-place or greater, the owner/operator must first determine if they are required to install a gas collection and control system based on the landfill's gas heat input capacity. If the landfill's waste in place is less than 450,000 tons, the landfill must submit waste-in-place report annually until the landfill size threshold is exceeded or the landfill ceases to accept waste.
- The proposed regulation uses a landfill gas heat input capacity threshold of three million British thermal units per hour. If gas heat input capacity is less than three million thermal units per hour, the landfill must recalculate it annually until it exceeds the threshold or until the landfill ceases to accept waste. If the gas heat input capacity is greater than three million British thermal units, the owner or operator must either install a gas collection and control system or demonstrate that after four consecutive quarterly monitoring periods there is no leak at any location of the landfill that exceeds a methane concentration of 200 parts per million by volume (ppmv).

Ms. Sagorski stated that if a gas collection and control system is required, design plans must be submitted within one year of the effective dates of these regulations or within one year of detecting any leak. The gas collection and control system must be installed and operating within 18 months after approval of the design plan for an active landfill or 30 months for a closed or inactive landfill.

She stated that general system requirements for collection and control system must be designed to handle the landfill's methane generation potential so that there is no landfill gas leak exceeding 500 ppmv at any component under pressure, to handle the expected gas generation flow rate from the entire area of the landfill, and must draw gas toward the gas control devices. The system will route the collected gas to an enclosed flare with a destruction efficiency of 99 percent by weight. The operation of an open flare is not allowed except under certain conditions outlined in the regulation.

If an energy recovery device or a series of other devices are used, the system must also have a destruction efficiency of 99 percent by weight. Gas could also be routed to a treatment system that processes the collected gas for subsequent sale or use. The proposed regulation requires each wellhead to operate under negative pressure.

Ms. Sagorski noted that these conditions do not apply to individual wells involved in well raising or collection system components that must be temporarily shut down to repair or connect new components to the existing system, to extinguish landfill fires or construction activities.

The proposed regulation establishes a 500 ppmv instantaneous surface emissions monitoring standard and a 25 ppmv integrated surface monitoring standard to ensure that the gas collection system is adequately controlling emissions. After January 1, 2011, no location on the MSW landfill surface may exceed these standards.

Ms. Sagorski stated that the permanent shutdown and removal of gas collection and control system section allows for the collection and control system at a closed landfill to be capped or removed provided that the system was in operation at least 15 years, surface methane concentration measurements do not exceed the emission standards, and the landfill has submitted an equipment removal report for review and approval.

Ms. Sagorski noted that because landfills are dynamic sources and there are a number of site-specific factors involved in the design and operation of gas collection and control systems, the proposed regulation affirms that an owner or operator may request alternatives to compliance measures, monitoring requirements, and operational requirements, submitted in writing to the Executive Officer for review and approval.

She stated that the proposed regulation specifies procedures for conducting instantaneous and integrated surface monitoring to be performed quarterly. Monitoring could be reduced to annual monitoring instead of quarterly and the monitoring walking patterns could increase from 25 to 100-foot intervals. If there is an exceedance, it must be recorded and a corrective action initiated. Re-monitoring must take place within 10 days.

Component leak testing shall be performed quarterly to ensure that there are no point sources with methane concentrations exceeding 500 ppmv. Additionally, gas control devices, such as flares, shall be monitored to ensure that they are operating optimally and meeting the destruction efficiency standards. Monthly well monitoring is required to demonstrate that the gas extraction rate for an active gas collection system is sufficient. If a positive pressure is measured, corrective action must be initiated.

Additionally, Section 95470 outlines recordkeeping and reporting requirements the owner/operator must keep. Section 95472 outlines the penalties for any violations to the proposed regulation; Section 95473 establishes the right of entry for inspecting and/or auditing; and Section 95474 requires the owner/operator must pay any fees

assessed by the District for the purpose of recovering costs of implementing and assisting with enforcing the requirements of these regulations

Ms. Sagorski stated that staff did not have comments on the proposed regulations.

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

No action. Item postponed until the next meeting.

XVI. NEXT MEETING DATE

The next meeting was scheduled for Thursday, July 16, 2009, at 1 p.m.

XVII. OPEN DISCUSSION/PUBLIC COMMENT

There was no public comment. The meeting adjourned at 3:50 p.m.