

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

Minutes of April 15, 2010

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  
Mike Mohajer, General Public Representative  
Sam Perdomo, Business/Commerce Representative  
Ron Saldana, Los Angeles County Disposal Association (Formerly GLASWMA)  
Eugene Sun, League of California Cities-Los Angeles Division

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

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

COMMITTEE MEMBERS NOT PRESENT:

Carl Clark, Institute of Scrap Recycling Industries, Inc.  
Michael Conway, City of Long Beach  
David Kim, City of Los Angeles  
Mary Ann Lutz, League of California Cities-Los Angeles Division  
Gerry Miller, City of Los Angeles  
Steve Tye, League of California Cities-Los Angeles Division  
Dr. Barry Wallerstein, South Coast Air Quality Management District

OTHERS PRESENT:

Martins Aiyetiwa, County of Los Angeles Department of Public Works  
Suk Chong, County of Los Angeles Department of Public Works  
L. Cyrus, CAA, Hidden Hills, PVE  
Massood Eftekhari, County of Los Angeles Department of Public Works  
Rogelio Gamiño, County of Los Angeles Department of Public Works  
Wayde Hunter, NVC/GHNNC  
Natalie Jimenez, County of Los Angeles Department of Public Works  
Sevak Khatchadorian, County of Los Angeles Department of Public Works  
Tobie Mitchell, County of Los Angeles Department of Public Works  
Gina Nila, City of Commerce  
Pat Proano, County of Los Angeles Department of Public Works  
Mark Patti, City of Santa Clarita  
Dean Saito, SCAQMD  
Alison Shen  
Coby Skye, County of Los Angeles Department of Public Works  
Chan Vu, City of Bell Gardens

**I. CALL TO ORDER**

Meeting called to order at 1:11 p.m.

Margaret Clark welcomed Tranette Sanders who will provide Task Force Support and Natalie Jimenez who is the Manager over the Section.

**II. APPROVAL OF MINUTES OF MARCH 18, 2010**

A motion was made to approve the minutes of March 18, 2010. The motion passed unanimously.

**III. REPORT FROM THE ALTERNATIVE TECHNOLOGY ADVISORY SUBCOMMITTEE (ATAS)**

Ms. Tobie Mitchell reported there was no ATAS update because the subcommittee did not meet this month. She also reported the conversion technology projects will be considered by the Los Angeles County Board of Supervisors on Tuesday, April 20, 2010. The recommendations presented to the Board of Supervisors for approval are:

1. Approve three Memoranda of Understanding (MOU) for development of three conversion technology demonstration projects and instruct the Director of Public Works to implement the MOUs with CR&R, Inc., International Environmental Solutions, and Rainbow Disposal Company.
2. Award a 4-year consultant services contract for Phases 3 and 4 of the conversion technology project to Alternative Resources, Inc.

Ms. Mitchell stated this is a big milestone for the ATAS and if there was interest in viewing the Board Letter and attachments, they could be found on the Board of Supervisors' website at [www.bos.co.la.ca.us](http://www.bos.co.la.ca.us) or by e-mailing her. Ms. Mitchell stated the item was expected to pass and invited the Task Force to attend the Board Meeting at 9:30 a.m. on Tuesday, April 20, 2010, at the County of Los Angeles Hall of Administration.

After a lengthy discussion regarding the need to send a letter stating the importance of conversion technology projects and the Task Force's long history of support for this type of project, a motion was made by Ms. Betsey Landis for Task Force to send a letter to the Board of Supervisors giving the Task Force's full support to approve the actions being taken on the conversion technology projects. Mr. Mike Mohajer seconded the motion and stated the letter should emphasize the Task Force's involvement since May 20, 1999, and that the letter be delivered to the appropriate Board Deputies by Friday, April 16, 2010. The motion passed unanimously.

#### **IV. CARB BIOREFINERY PERMITTING GUIDELINES**

Ms. Tobie Mitchell stated the permitting guidelines have not been established so there was no update.

#### **V. PRESENTATION ON PROPOSED AMENDMENTS TO AQMD'S RULE 1193**

Mr. Dean Saito, manager of SCAQMD (District) fleet rules and conversion unit, reported that in 2000-01 the District adopted a series of fleet rules after the state of California identified diesel emissions as a toxic air contaminant. Fleet rules were adopted to reduce diesel emissions from heavy duty and light duty use vehicles. After the District adopted the fleet rules, they were sued by the Engine Manufacturers Association (EMA) and Western Engine System Patrol Association (WESPA) stating they did not have the authority to regulate on-road motor vehicles. The EMA's lawsuit lost in the Federal and appellate courts, but they were able to get the US Supreme Court to hear the item. The US Supreme Court's opinion was that the District clearly had authority to regulate fleets as they pertain to public entities. With regard to private entities, the District only has authority when private entities enter into exclusive agreements with public entities, which causes those vehicles to become a part of the public fleet. Based on the Supreme Court opinion, District is currently amending its fleet rules to make them consistent with the Supreme Court opinion.

Mr. Saito stated that based on the existing rules, only when private and public fleets replaced or added to their fleet was it required to use alternative fuel. The rules needed to be updated to be consistent with the Supreme Court opinion. Relative to Rule 1193, refuse fleet rule, they have had several workshops to discuss the proposed amendments. A hearing was set for June 4. Mr. Mohajer expressed concern that the proposal is really applicable to all since most municipalities have more than 15 vehicles, and thus the proposed amendment to Rule 1193 will be applicable to all haulers doing business with municipalities. Additionally, Mr. Mohajer questioned Mr. Saito in regard to what he meant by "exclusive agreement" and if the issuance of a waste hauler permit to a hauler by the Health Officer constitutes an "exclusive agreement." Mr. Saito responded affirmatively.

The major change in the proposed amendments is in regards to private fleets. When public entities or municipalities go with a new or renewable contract for refuse service, they must mandate that those services be provided by alternative fuel vehicles.

It does not apply to government agencies and private fleets when their total number of public and private refuse vehicles totals less than 15. It also does not regulate private fleets that only operate vehicles that are in contractual services

with private to private entities. If a private fleet has a contract with another private entity, Rule 1193 does not apply.

Mr. Saito stated according to U.S. Supreme Court opinion, the rule only applies when contracts are exclusive contracts. The AQMD legal team interprets this to mean an agreement is considered exclusive when a public entity imposes any kind of limitation on the number of franchise agreements when it enters into a contract or franchise agreement with a private fleet.

The rule is also applicable to transfer trailers because they fall under the refuse collection vehicle definition, but only to the point where those vehicles are used in exclusive contracts with public entities.

One of the comments from stakeholders is that there needs to be consideration for phasing in the conversion to alternative fuel. They propose that fleets smaller than 50 should be allowed a 3-year phase in and fleets larger than 50 should be allowed a 2-year phase in. By January 1, 2014, and no later, 100 percent conversion would take place. This would have to be triggered by either a new or renewed contract. There should also be a temporary exemption because some companies may experience delays in the delivery of new trucks. In this case, they may apply for a temporary exemption until the trucks are delivered.

Another proposed amendment is a vehicle break down provision. If a vehicle is going to be in the shop for an extended amount of time, the company must file for a TICR. Also, in the new contract, the spare vehicle must also be an alternative fuel vehicle. Definitions for contracts and franchise agreements have been added in regards to reporting requirements. For fleets with less than 50 vehicles, within two years they must report to AQMD where they are going to refuel their alternative fuel vehicles to ensure that there's adequate fueling infrastructure to handle the alternative fuel refuse vehicle. Also if a city or public entity has been soliciting for a new contract two months prior to the rule amendment, this rule would not impact that association.

Written comments received indicate industry's main concern is in regard to existing contracts such as evergreen contracts and fixed term contracts with option years. Industry feels that because of existing contracts, they would not be able to amortize the cost of alternative fuel vehicles over the duration of the contracts, so they asked staff to look at alternatives with regard to existing contracts. The primary two alternative proposals by industry are for evergreen and fixed term contracts.

Evergreen contracts are for a long period of time and they go into perpetuity and every year they are renewed, but it adds 10 years to that fixed term and continues to add another year every year. For those contracts, they could not commit to a phase in because there is not enough time to amortize the cost of an

alternative fuel vehicle, so they asked to consider something other than 2 and 3 year phase. They offered two proposals: (1) a 12 year model retirement - you can't have a truck in your fleet older than 12 years. It must be replaced with alternative fuel vehicle, (2) according to the fixed terms of the evergreen contract, they would commit to 100 percent conversion for the length of time for the contract but no later than January 1, 2020. Within the next couple of weeks District staff will be evaluating those two alternatives to come up with a recommendation. Based on comments, right now industry and the environmental groups are more in favor of the rolling year retirement, but instead of 12 years it would be 10 years with 100 percent conversion implemented no later than January 1, 2020.

After a discussion about the rule in relation to evergreen contracts, Mr. Saito stated by mutual consent from both the municipality and the fleet, there is an obligation in the provision that the entire fleet be converted to alternative fuel by the drop dead compliance date of January 1, 2020, irrespective of the 20 year evergreen obligation.

Industry also asked staff to consider allowing them to keep a percentage of diesel vehicles to respond to natural disasters. An exemption was asked for transfer fleets that routinely haul as far as San Joaquin Valley.

The District will meet with stakeholders, staff is completing evaluation of alternative proposals presented and socioeconomic analysis, and the governing board meeting is scheduled for June 4.

**VI. UPDATE ON AB 274 AND AB 1004, POOL FUND FOR LANDFILL CLOSURE, POSTCLOSURE MAINTENANCE AND CORRECTIVE ACTION**

This item was combined with Item XII – Update on Landfill Financial Assurance.

Mr. Martins Aiyetiwa provided an update on AB 2296, AB 274, and AB 1004, regarding landfill financial assurance mechanisms. For the last three years, CalRecycle, formerly California Integrated Waste Management Board, has been working on strengthening the State regulations pertaining to closure, postclosure maintenance, and corrective action cost estimates and financial assurance demonstrations for landfills. The regulations will become effective on July 1, 2010.

CalRecycle recently formed two working groups: 1) Non-water Corrective Action Technical Advisory Group to develop best management practice for non-water site specific corrective action plans; and 2) Proactive Monitoring Group to develop guidance on the proactive monitoring requirements. A copy of Mr. Mohajer's e-mail to CalRecycle dated April 4, 2010, submitting comments on the draft Proactive Monitoring Guidance was distributed ([copy attached](#)).

Based on the workshop conducted for the Proactive Monitoring Group on April 12, 2010, the Task Force submitted comments to CalRecycle indicating that the proactive monitoring should ensure no landfill gas migration beyond the landfill property line if there is any enclosed structure within 1,000 feet, which is consistent with the County Building Code. Another comment is to require vegetation and landscaping to be maintained properly.

For AB 274, CalRecycle has not received enough participation from landfill operators for the pooled fund to become effective. CalRecycle has until July 1, 2011. During the workshops of January 28, and April 12, 2010, stakeholders expressed concerns regarding the lack of clear incentive for participation, irrevocable commitment to the pooled fund, and potential conflicts in the event an operator of multiple landfills committed to join but the owner of one of the sites did not have knowledge of the commitment or did not concur with the decision.

AB 1004 proposes to extend the deadlines established by AB 274 by six months. The Task Force previously took action to oppose the proposed bill unless it is amended since the pooled fund provides more benefits for private landfill operators than public entities. In addition, now that AB 274 has become a law, some landfill operators want to expand the law through regulations by adding incentives. If the landfill operators want incentives, they should try to amend AB 1004 to include provisions that would encourage participation.

## **VII. PROPOSED CALRECYCLE ENFORCMENT POLICY PART II REVISION, JURISDICTIONAL COMPLIANCE WITH AB 939 REQUIREMENTS**

Mr. Matt Suska presented the proposed updates to CalRecycle's Countywide Integrated Waste Management Plan (CIWMP) Enforcement Policy Part II and reported they are seeking input and comments from affected jurisdictions. The deadline to submit comments is April 30, 2010, and the policy is scheduled to be published June 30, 2010.

The document is being updated to reflect the passage and implementation of Senate Bill 1016 (SB 1016), which did not change the diversion goals of AB939 but changed the diversion measurement system from estimated generation and diversion to per-capita disposal. The revisions are intended to reflect the new disposal measurement system and remove references to biomass diversion credit and SB 1016. It will also replace references to the Waste Board with references to CalRecycle.

Staff is currently reviewing the proposed updates to the policy and had some concerns, but due to the complexity of SB 1016 and other applicable legislation, more time is needed to fully assess the impact. Staff believes jurisdictions need more time to review and should be given adequate interactive and iterative chances to give their input.

There was a single public workshop held in Sacramento on the matter, and staff recommends a workshop be held in Southern California for jurisdictions to have a chance to give their input as they may have budgetary restrictions to travel to Sacramento.

Mr. Carlos Ruiz stated that this policy is important because CalRecycle will use it to determine whether a jurisdiction is in compliance with AB 939. This is also the only time to influence how the policy is shaped because once the policy is in place, jurisdictions will have to comply. Mr. Ruiz identified and commented on several specific items in the policy that were of concern to staff and ultimately, the Task Force.

After further discussion, Mr. Mohajer made a recommendation to forward a letter to CalRecycle listing concerns and ask them to extend the April 30 deadline for comments and provide another public information meeting in Southern California so every jurisdiction would have the opportunity to give input on the proposed revisions. The motion was seconded by Ms. Karen Coca, with the added stipulation that the letter strongly state CalRecycle's need to specifically define how they will target jurisdictions for review. The motion passed unanimously.

## **VIII. LEGISLATIVE UPDATE**

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

### 1. AB 1998—introduced by Brownley

The Bill will, on and after January 1, 2012, prohibit a store, as defined, from providing a single-use plastic carryout bag to a customer. The bill would require a store, on and after July 1, 2011, to make reusable bags available for purchase by the customer. Last month the Task Force sent a letter of support of this bill. Since that time it was amended to ban paper bags as well as plastic bags.

A motion was made to send letter of support. It passed unanimously.

### 2. AB 2139—introduced by Chesbro

This bill would create the California Product Stewardship Act and define the term "covered product" to include home-generated medical sharps, pesticides intended for residential use, and nonrefillable propane cylinders. The bill would require, by September 30, 2011, a producer or the product stewardship organization of a covered product to submit a product stewardship plan to CalRecycle for approval by January 1, 2012, and prohibits the producer of a covered product on and after July 1, 2012, from

selling a covered product unless CalRecycle approves the stewardship plan.

A motion was made to send letter of support. It passed unanimously.

3. AB 2176—introduced by Blumenfield

This bill would enact the California Lighting Toxics Reduction and Jobs Act, which defines "class 1 lamps" as lamps containing mercury and "class 2 lamps" as a lamp that produces less than 45 lumens of light per watt. The bill would require the producer of class 1 lamps, by September 30, 2011, to submit a project stewardship plan regarding financing and provision for collection and final proper disposition of the lamps to DTSC. It would also require the producer of a class 2 lamp, by January 1, 2012, and on or before January 1 annually thereafter, to pay to the State Energy Resources Conservation and Development Commission a fee in an amount established by the commission for research to enhance the energy efficiency and reduce the environmental impacts from class 2 lamps.

A motion was made to send letter of support. It passed unanimously.

4. AB 2398—introduced by Perez

This bill would require a carpet producer to submit a carpet stewardship plan to CalRecycle by September 30, 2011. The plan would be required to include product goals and a collection rate. AB 2398 would prohibit a producer, wholesaler, or retailer, on and after January 1, 2012, from selling a carpet unless the carpet stewardship plan for that carpet is deemed complete, implemented, and achieving the collection rate of 50% by 2014, 70% by 2017, with an ultimate goal of 95%.

A motion was made to send letter of support. It passed unanimously.

5. SB 1100—introduced by Corbett

This bill would require, by September 30, 2011, a producer of household batteries to submit a product stewardship plan to CalRecycle, which would be required to include specified elements including product goals and achieving the collection rate 50% by 2014, 70% by 2017 with an ultimate goal of 95% collection rate for the household batteries subject to the plan.

A motion was made to send letter of support. It passed unanimously.

6. SB 722—introduced by Simitian

This bill would express the Legislature's intent that the amount of electricity generated per year from eligible renewable energy resources be increased to an amount that equals at least 20% of the total electricity sold to retail customers in California per year by December 31, 2013, and 33% by December 31, 2020. It also has key provisions that would eliminate renewable energy credit for landfill gas projects.

A motion was made to oppose unless amended. It passed unanimously.

7. SB1247—introduced by Dutton

This bill would delete the existing definition of an eligible renewable energy resource and define the term to mean an electric generating facility that uses biomass, solar energy, wind, geothermal, fuel cells using renewable fuels, hydroelectric generation, nuclear generation, digester gas, municipal solid waste conversion, landfill gas, ocean wave, ocean thermal, or tidal current, and any additions or enhancements to the facility using that technology. The bill would make other conforming changes and repeal certain provisions relating to the eligibility of hydroelectric generation.

A motion was made to oppose unless amended. It passed unanimously.

In regards AB 222, Mr. Mohajer mentioned the Task Force previously authorized staff to send a letter of support to cities; however the letter was held based on pending revisions to the bill and the timing of the committee hearing. Mr. Mohajer indicated that based on recent developments, the letter would be sent out in the next few weeks.

**IX. CALRECYCLE'S DRAFT REPORT ON ORGANIC WASTE MANAGEMENT AND LIFE CYCLE ASSESSMENT**

No action. Item postponed until next meeting.

**X. DTSC FRAMEWORK FOR SAFER PRODUCTS REGULATIONS**

No action. Item postponed until the next meeting.

**XI. PRESENTATION ON THE 2008 COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN ANNUAL REPORT**

No action. Item postponed until the next meeting.

**XII. UPDATE ON LANDFILL FINANCIAL ASSURANCE**

This item was combined Item No. VI. See discussion above.

**XIII. UPDATE ON REVEGETATION EFFORTS AT SUNSHINE CANYON CITY/COUNTY LANDFILL**

Mr. Martins Aiyetiwa indicated that staff received response letters from Regional Planning to the Task Force late on April 14 and from BFI at noon on April 15. Copies of the letters were provided to the Task Force during the meeting. After reviewing Regional Planning's letter, it was determined the comments were the same as presented by Regional Planning staff at the March Task Force meeting, and Regional Planning did not take additional action to address the revegetation issues at Sunshine Canyon Landfill.

Mr. Mohajer stated that even though the Task Force is an advisory committee and doesn't have the enforcement authority, the Task Force should take a stand on the issue. The lack of vegetation is one of the reasons that the South Coast Air Quality Management District (SCAQMD) cited for the Landfill's recent odor problems.

Mr. Aiyetiwa reported that staff attended the SCAQMD hearing and stated the landfill is under an Abatement Order that requires Browning-Ferris Industries (BFI) to complete specific tasks within a timeline. The first deadline is June 1, 2010. A link to a copy of the Abatement Order will be provided to the Task Force immediately.

Ms. Nicole Bernson indicated that she attended the Joint City/County Technical Advisory Committee (TAC) meeting, and one of the follow-up items was for both chairs of the TAC to look into Task Force's March 15, 2010, letter regarding revegetation issues at the Landfill and provide an update at its next meeting.

Mr. Mohajer stated the County CUP requires the County to hire an independent technical consultant to monitor BFI's compliance with the CUP at BFI's expense. He then inquired about the status of the independent monitor. Staff responded that the County is currently working on developing a Request for Proposal to solicit bids.

Mr. Kurt Bratton, General Manager of the Landfill, stated that SCAQMD's Order of Abatement was issued on March 24, 2010, and one of the findings was that the vegetation damaged by the fires in the southern areas of the Landfill on the City side was a potential source of odor. Experts testified that increasing the vegetation along the southern boundary would mitigate the odor problem. Mr. Mohajer expressed concern with BFI's lack of responsiveness to the Task Force's letter of March 25, 2010. He indicated that BFI's letter dated April 15, 2010, was nonresponsive to the Task Force's specific requests. He asked Mr. Bratton if he was willing to revisit the issue and respond back to the Task Force within two weeks. Mr. Bratton agreed to do so.

BFI is currently working on the vegetation plan. BFI has started irrigation efforts on a permanent basis to gain control of the area. They have had some success at the Landfill in using mulch to prevent erosion and promote growth, and it is the greenest time they have ever had at the Landfill. In response to Task Force's concerns, Mr. Bratton stated they had a very specific plan on addressing those concerns, but the plan was rejected. Mr. Bratton invited members of the Task Force to visit the Landfill.

Mr. Mohajer made a motion for Mr. Bratton to submit a written commitment to the specific requests in Task Force's March 25 letter within the next two weeks and for Mr. Proano to contact and set up a meeting with the Director of Regional Planning and Mr. Mohajer in regard to Regional Planning's response to the March 25, 2010, Task Force Letter.

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

No action. Item postponed until the next meeting.

**XV. NEXT MEETING DATE**

The next meeting was scheduled for Thursday, May 27, 2010, at 1 p.m. in Conference Room B. Please note this is the fourth Thursday of the month. Change is due to unavailability of the conference rooms.

**XVI. OPEN DISCUSSION/PUBLIC COMMENT**

There was no public comment. The meeting adjourned at 3:17 p.m.

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