

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

Minutes of June 17, 2010

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

COMMITTEE MEMBERS PRESENT:

Betsey Landis, Environmental Organization Representative
Mike Mohajer, General Public 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
Stephen Maguin, rep. by Chris Salomon, County Sanitation Districts of Los Angeles County
Dr. Jonathan Fielding, rep. by Pete Oda, County of Los Angeles Department of Public Health
Gerry Miller, rep. by Charles Modica, City of Los Angeles
Enrique Zaldivar, rep. by Karen Coca, City of Los Angeles Bureau of Sanitation

COMMITTEE MEMBERS NOT PRESENT:

Carl Clark, Institute of Scrap Recycling Industries, Inc.
Margaret Clark, League of California Cities-Los Angeles Division
Michael Conway, City of Long Beach
David Kim, City of Los Angeles
Mary Ann Lutz, League of California Cities-Los Angeles Division
Greig Smith, City of Los Angeles
Sam Perdomo, Business/Commerce Representative
Dr. Barry Wallerstein, rep. by Jay Chen, South Coast Air Quality Management District

OTHERS PRESENT:

Jinderpal Bhandal, City of Los Angeles
Oliver Cramer, City of Santa Clarita
Ray Chavez, City of Pico Rivera
Chip Clements, Clements Environmental
Kit Cole, Waste Management
Judith Fries, Los Angeles County Counsel
Hillary Gordon, Sierra Club
Wayde Hunter, NVC/GHNNC
Steve Jimenez, Smurfit Stone
Linda Lee, County of Los Angeles Department of Public Works
Amity Lumper, Cascadia Consulting, Inc.
David Mackenzie, ARI
Carrie Schneider, Clements Environmental
Coby Skye, County of Los Angeles Department of Public Works
Matt Suska, County of Los Angeles Department of Public Works

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES OF MAY 27, 2010

A motion was made to approve the minutes of May 27, 2010, with revisions. The motion passed with two abstentions from Eugene Sun and Chris Salomon.

III. REPORT FROM THE ALTERNATIVE TECHNOLOGY ADVISORY SUBCOMMITTEE

Mr. Coby Skye reported the subcommittee discussed upcoming and recent conversion technology events and meetings. They received an update from Cerrell and Associates regarding the public outreach plan; representatives from Alternative Resources, Inc. provided an update on the continuing action plan and six-month report to the Board of Supervisors in support of phases 3 and 4 of the conversion technology projects; and discussed potential candidates to fill the subcommittee vacancy. The subcommittee had two motions to present to the Task Force for further action as stated below:

- Send a comment letter to CalRecycle regarding the draft regulations for the mandatory commercial recycling program prior to June 30, 2010. This motion is consistent with the previous comments forwarded to CalRecycle. One comment that needs to be addressed is the impact it will have on the life cycle analysis. The motion passed unanimously.
- Send a letter to the Massachusetts Department of Environmental Protection expressing concern regarding a study on biomass facilities. The study found biomass facilities create more emissions than coal power plants. The subcommittee is concerned there are several serious flaws in the study, and that it will be circulated publicly and lead to bad policies being enacted.

The motions to pass were made by Mr. Mike Mohajer and seconded by Ms. Betsey Landis. The motions passed with Mr. Chris Salomon abstaining from the second motion.

IV. REPORT FROM THE FACILITY PLAN REVIEW SUBCOMMITTEE

Ms. Betsey Landis reported the subcommittee had two motions for the Task Force's consideration. The Task Force considered the request from the City of Carson to amend its NDFE to include Pico Rivera MRF. Staff coordinated the

request with both the City of Pico Rivera and the City of Carson and both cities concurred with the amendment.

A motion was made by Ms. Landis and seconded by Mr. Carlos Ruiz to send a letter to the City of Carson notifying the City of the Task Force's concurrence with the proposed NDFE amendment. Mr. Mike Mohajer stated the letter should indicate both cities' requests were considered and that Pico Rivera's conditional use permit does not allow materials to be stored in open areas. The motion passed unanimously.

The Task Force also considered a request from the City of Baldwin Park to amend its NDFE to include the Allan Company MRF. A motion was made by Ms. Landis and seconded by Mr. Mike Mohajer to send a letter to the City of Baldwin Park notifying the City of the Task Force's concurrence with the proposed NDFE amendment and to continue working with Allan Company to lower their noise level at the facility. The motion passed unanimously.

The subcommittee had a brief discussion on the revegetation and odor control efforts at Sunshine Canyon Landfill. BFI continues with the efforts to comply with the South Coast Air Quality Management District's Order for Abatement. Staff will continue to monitor the status of the compliance.

V. CONSIDERATION OF AMENDMENT TO THE CITY OF BALDWIN PARK'S NDFE

See Item IV.

VI. CONSIDERATION OF AMENDMENT TO THE CITY OF CARSON'S NDFE

See Item IV.

VII. LEGISLATIVE UPDATE

Mr. Rogelio Gamino reported on the following legislative bills ([see attachment](#)):

Mr. Gamino provided an update regarding the following extended producer responsibility bills the Task Force has been actively tracking:

Bills That Have Died

AB 2139 – “Mini” EPR Framework Bill
AB 2176 – Light Bulbs

Bills Still Alive

AB 1343 – Paint

AB 2398 – Carpet Bill - to be heard in Senate June 28.

SB 1100 – Household Batteries - to be heard in Senate June 28.

Mr. Gamino also provided a report regarding the following additional Federal and State Bills:

1. Federal SB 3381—introduced by Senator Baucus May 17, 2010

This bill would amend the definition of “Renewable Biomass” within the Clean Air Act to make it consistent with that found in the 2008 Farm Bill.

A motion was made to send a letter of concern to amend the bill to include solid waste as renewable energy. It passed unanimously.

2. Federal SB 3464—introduced by Senator Lugar

This bill, known as the Practical Energy and Climate Act of 2010, aims to reduce greenhouse gas emissions by reducing America’s dependence on foreign oil. This would be accomplished by cutting energy usage through greater emphasis on fuel efficiency for vehicles and increased use of clean energy. Beginning in 2016, this plan would mandate a four percent increase in fuel efficiency for light duty vehicles on an annual basis. Additionally fuel economy standards would apply to medium and heavy-duty vehicles. There is also a provision within the bill to require 50 percent of motor vehicles and light-duty trucks to be dual fuel capable by 2013 and 90 percent by 2015. This provision has the potential to increase the demand for fuels derived from conversion technologies.

Mr. Gamino gave specific attention to the “diverse energy standard” established in the bill, which would require utilities to purchase 15 percent of their electricity from clean energy sources by 2015 up to 50% by 2050. The term “diverse energy” is defined as electricity that is generated from, among other facility types:

- Biomass
- Landfill gas
- Waste-to-energy

- Any other source that will result in at least 80 percent greenhouse gas (GHG) emissions reduction compared to average emissions of freely emitting sources in the calendar year prior to certification of the Secretary, as determined by the Secretary through rulemaking.

Staff suggested the Task Force send a letter requesting the inclusion of solid waste in the definition of renewable biomass.

After discussion, a motion was made by Ms. Betsey Landis and seconded by Mr. Ron Saldana to send a letter to clarify the definitions in the bill and the measure used to calculate an 80 percent reduction in GHG emissions. It passed unanimously.

3. AB 2529—introduced by Fuentes

This bill would require the State Air Resources Board, Energy Commission, Department of Fish and Game, and the Department of Housing and Community Development to complete a related economic impact analysis, as defined, for any proposed regulation that will have an adverse economic impact on California business enterprises and individuals in an amount exceeding \$10,000,000, as specified. Entities would also be required to submit the related economic impact analysis to a prescribed peer review process. The office would be required to notify specified committees in the Legislature of each major proposed regulation that is approved by the Office of Administrative Law.

After a lengthy discussion, a motion was made by Mr. Mike Mohajer and seconded by Ms. Karen Coca to send a letter of support and amend to include CalRecycle. It passed with one opposition from Betsey Landis.

4. AB 2565—introduced by Ammiano

This bill authorizes the lead agency required to conduct an EIR to make available, on the lead agency's Internet website, any notices, responses, or other documents that are required to be made available to the public or to other public agencies on the lead agency's website. These documents may also be made available by digital copy via various formats. The lead agency shall provide a copy of a CEQA document if a member of the public or a public agency requests a copy of the document.

A motion was made by Mr. Mohajer and seconded by Ms. Landis to send a letter of support. It passed unanimously.

VIII. UPDATE ON AB 1004, STATE SOLID WASTE POSTCLOSURE AND CORRECTIVE ACTION TRUST FUND

The Task Force sent a letter to Assembly Member Portantino on April 28, 2010, opposing the proposed bill unless the bill is amended to address the Task Force's two concerns. The Task Force requested that the regulations be revised to (1) provide a mechanism to recover expended funds to protect local governments in situations where private entities are bankrupt and (2) require a letter of participation from not only the landfill operator but also from the owner to qualify for participation in the Trust Fund.

Since then, the proposed bill was read the second time by the Senate Committee on Environmental Quality and amended on June 2, 2010.

The changes in the June 2, 2010, version include the following:

1. All the milestone deadlines in existing regulations would be extended by 1 year. For example, the deadline for letters of participation would be moved from July 1, 2011, to July 1, 2012, and the 12-cent-fee per ton would take effect on January 1, 2013.
2. Letters of participation will be required of landfill owners, rather than operators as in the previous version.
3. Evidence of financial ability would also be maintained by landfill owners, rather than operators.
4. If an owner elects to participate, all of the owner's landfills that the owner has in common ownership would be required to participate.
5. A landfill with multiple owners may participate only if all owners of that landfill elect to participate.
6. CalRecycle would determine if there is sufficient participation to warrant the creation of the Trust Fund, rather than a mandated threshold representing 50% of the total volume of waste disposed in 2010 as required in existing regulations.

Staff believes that changes 1 through 5 would adequately address Task Force's second concern by applying the requirements to owners rather than operators.

Regarding change No. 6, it is staff's opinion that the regulations need to specify a threshold rather than allowing CalRecycle to subjectively determine whether there is sufficient participation for the Trust Fund to be created. An example of a threshold could be to require the percent of participation from private owners to be at least equivalent to or more than public participation.

The Task Force's first concern regarding how the expended fund would be recovered was not addressed in these latest amendments.

A motion was made by Mr. Mike Mohajer and seconded by Ms. Betsey Landis to send a letter to oppose unless amended to address the previous concern expressed by the Task Force and define a participation threshold under which the Trust Fund can be created. It passed unanimously.

**IX. PRESENTATION FROM CASCADIA CONSULTING GROUP, INC. –
“DEMONSTRATING THE CLIMATE, FINANCIAL, AND DIVERSION BENEFITS
OF ZERO WASTE: A NEW CALCULATOR FOR CALIFORNIA BUSINESSES”**

At the invitation by Mike Mohajer, Ms. Amity Lumper of Cascadia Consulting Group, Inc., presented California's Commercial Climate Calculator ([see attachment](#)). The Calculator was funded by CalRecycle and will soon be the rule maker for mandatory commercial recycling in the State. It can be used as a tool for businesses to look at the financial aspects of GHG and the diversion methods associated with waste reduction and recycling strategies.

After the presentation, Mr. Mohajer commented that there were a number of assumptions that went into the calculator. He questioned the life cycle analysis in relation to materials that go overseas to facilities that don't operate like California. The calculator assumes those facilities operate the same, but they do not. Ms. Lumper stated that they agree a life cycle analysis should be taken into consideration and noted the calculator is based on the best available data. She also stated the development of the calculator did not include conducting primary research to gather better data

Mr. Mohajer suggested to Mr. Steve Uselton of CalRecycle that when they take ownership of the calculator and demonstrate it, they should mention its assumptions and limitations. Mr. Eugene Sun stated that although the calculator isn't perfect it is a step in the right direction.

X. CALRECYCLE'S COMMENTS TO CIWMP ENFORCEMENT POLICY PART II

Mr. Matt Suska provided an update regarding CalRecycle's CIWMP Enforcement Policy Part II (Policy), following up on the staff presentation from April. The Policy is used by CalRecycle to determine whether or not a jurisdiction has adequately implemented its SRRE and HHWE, including the jurisdiction's diversion programs. This is the core guidance document that CalRecycle staff uses in determining a jurisdiction's performance and compliance status with regards to meeting diversion mandates. CalRecycle states the Policy is being updated strictly to reflect the implementation of SB 1016, change Board references to CalRecycle, remove references to the biomass diversion credit,

and remove references to SB 1066 (which provided for time extensions and has expired).

The lack of local government involvement and input into the Policy was of concern, therefore the Task Force recommended CalRecycle conduct a similar workshop to the one they held in Sacramento in Southern California, increase their outreach efforts, and recirculate the Policy. CalRecycle did not concur with the Task Force's concerns, and declined the request to host an additional workshop in Southern California or provide additional time for comments to be submitted. Mr. Ruiz made a motion and seconded by Mr. Mohajer to send a letter to CalRecycle reinforcing the need for additional workshops in southern California, restating the issues raised by Task Force that have not been addressed, and noting that the outreach regarding this issue needs to be more extensive. It passed unanimously.

XI. REPORT FROM CALRECYCLE

Mr. Steve Uselton reported there was a large turnout at the mandatory commercial recycling workshop. They received comments that will be included in the materials sent over to ARB as they go through the formal process of passing the regulations. Comments need to be received prior to June 30, so they can get into the record. He also mentioned CalRecycle is planning a webinar titled *Adopting a Commercial Recycling Ordinance: How to Get Started*, put on by the Institute for Local Government, California State Association of Counties, and the League of Cities with collaboration with CalRecycle. The event will be held June 30 between 10 and 11:30 a.m., and Mr. Uselton encouraged local governments to participate. To get more information or to register, the public can visit www.ca-ilg.org.

Finally, Mr. Uselton mentioned the electronic annual report was released this week and sent out to the local jurisdictions that will be reporting. A webinar training explaining how to use the electronic report is available. There were no major changes to the electronic report, which is due August 2.

There were a number of concerns expressed by members regarding the mandatory commercial recycling regulations, including the need for greater flexibility; concerns regarding tracking the number of businesses that may be subject to an ordinance; the impact on franchise agreements and garbage disposal districts; and how multi-use buildings that are occupied by more than one business will be managed. Mr. Uselton responded that these issues will need to be negotiated between CalRecycle and affected stakeholders.

XII. NEXT MEETING DATE

The next meeting was scheduled for Thursday, July 15, 2010, at 1 p.m. in Conference Room C.

XIII. OPEN DISCUSSION/PUBLIC COMMENT

None.

The meeting adjourned at 3:10 p.m.

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