

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

Minutes of August 18, 2011

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

COMMITTEE MEMBERS PRESENT:

Margaret Clark, League of California Cities-Los Angeles Division
Betsey Landis, Environmental Organization Representative
Mary Ann Lutz, League of California Cities-Los Angeles Division
Mike Mohajer, General Public Representative
Ron Saldana, Los Angeles County Disposal Association (Formerly GLASWMA)
Eugene Sun, League of California Cities-Los Angeles Division

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Gail Farber, rep. 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. Barry Wallerstein, rep. by Jay Chen, South Coast Air Quality Management District
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.
Michael Conway, City of Long Beach
Dr. Jonathan Fielding, County of Los Angeles Department of Public Health
David Kim, City of Los Angeles
Gerry Miller, City of Los Angeles
Sam Perdomo, Business/Commerce Representative
Mitchell Englander, City of Los Angeles

OTHERS PRESENT:

Martins Aiyetiwa, County of Los Angeles Department of Public Works
Danielle Aslam, CalRecycle
Clint Bartlett, Republic Services
Bahman Hajialiakbar, County of Los Angeles Department of Public Works
Becky Bendikson, Sunshine Canyon Landfill CAC
Wayde Hunter, NVC/GHNNC
Jennifer Lao, HDR
Howard Levensen, via teleconference, CalRecycle
Corey Mayne, County of Los Angeles Department of Public Works
Tobie Mitchell, County of Los Angeles Department of Public Works
Cara Morgan, via teleconference, CalRecycle
Mark Patti, City of Santa Clarita
Pat Proano, County of Los Angeles Department of Public Works
Carl Sherrill
Brenda Smyth, via teleconference, CalRecycle
Matt Suska, County of Los Angeles Department of Public Works
Coby Skye, County of Los Angeles Department of Public Works
Jim Teter, Republic Services
Jennifer Wallin, CalRecycle
Lena Wiegard, CalRecycle

I. CALL TO ORDER

Meeting called to order at 1:16 p.m.

II. APPROVAL OF MINUTES OF JULY 21, 2011

A motion was made to approve the revised July 21, 2011, minutes. The motion passed unanimously.

III. REPORT FROM PUBLIC EDUCATION AND INFORMATION SUBCOMMITTEE

Mr. Mike Mohajer reported the subcommittee discussed expanding the outreach of the Inside Solid Waste Newsletter and updating its functionality to make it more interactive. They also discussed the following articles for inclusion in the October edition of Inside Solid Waste: legislative update, conversion technology updated, used tire collection program, phase II of the plastic bag ban, Mesquite Canyon Landfill update, Carpet and Paint Stewardship Regulations, Mandatory Commercial Recycling, and the polystyrene ban.

IV. CALRECYCLE UPDATES VIA TELECONFERENCE

Mr. Howard Levenson, Ms. Cara Morgan, and Ms. Brenda Smyth joined the Task Force meeting via teleconference. Mr. Levenson gave a general update on CalRecycle informed the Task Force that Mark Leary is still the Acting Director and they are waiting for the appointment of a permanent director. He also reported CalRecycle has received criticism from the legislature about the dissolution of the Division of Recycling because now the Bottle Bill Program is dispersed throughout a number of different programs. To rectify that, they have changed internal reporting and reconstituted the Division of Recycling. Jason Marshall is now the lead of that program. They have also brought solid waste facility permitting and enforcement back to one area. Mr. Levenson and Ms. Morgan, and Ms. Smyth will continue to lead materials management and local assistance along with climate change and grants management. More specific reports were given on the following items:

- **Organics Roadmap** – In May they held their annual overview of organics. Ms. Smyth reported the organics road map helps to achieve their strategic directive to reduce 50% of organic material disposed by 2020. She stated that in 2009, 32 million tons of carbon-based organic waste was disposed with 2/3 or 21 million tons of that being compostable material such as fruits and vegetables. The largest of the compostable material is food waste. The noncompostable or difficult to recycle material such as wood waste accounted for 5 million tons of the waste stream and could be suitable for mulch, Biofuels or Bioenergy. They have about 200 facilities handling organic material using composters, chippers, and grinders that

process 9 million tons of material. Over the years, the amount of materials processed has decreased by approximately 500,000 tons, but they still need to divert another 10 million tons more to achieve their strategic directive. The Roadmap is divided into four main categories of activities.

1. Education and Promotion – They promote the benefits of compost and mulch along with water conservation, water quality and soil health. On September 13 and 14, in conjunction with the US EPA, they will host the annual California Bioresources Alliance Symposium at CalRecycle. They are also working closely with the California Biomass Collaborative Interagency Energy Working Group.
2. Research and Product Standards – Dr. Crohn from UC Riverside put together a series of field demonstrations on the study of water retention and erosion control of compost and mulch available on their website. Since they were not sure about the process to prevent the spreading of weeds and plants disease through the mulching process, they will research and report back to the Task Force. To assist with the research, Ms. Jennifer Wallin clarified that CalTrans uses the term “mulch” as an application and not necessarily as the product. They are working on SCAQMD Rule 1133.3 and the San Joaquin Valley Unified Air Pollution Control District, Rule 4566, which are volatile organic compounding emissions rules for composting green waste. New or expanding composting facilities will be required to use best available control technologies and/or purchase costly offsets under the Title 1 Clean Air Act. The SWRCB is working on waivers for waste discharge requirements and ready to move on concepts for green waste composting. Two workshops will be held in Southern California on August 31 and in Northern California on September 1. There are several other regulations, concepts, products, and speciation they are researching related to food waste handling, food labeling, pesticides for composting and related climate change.
3. Siting and Capacity – They have finished streamlining permitting activities to improve siting and capacity. Their program EIR for anaerobic digestion is complete and online. They have a new tool called FACIT – Facilities Inventory Tools – designed to review facilities and their design specifications.
4. Economic Incentives – Within the Organics Roadmap they are pursuing efforts on emerging technologies and working with the Energy Commission and AB 118 to help fund project that use biomass and MSW feedstock to produce biofuels. They have set

aside \$8 million in the 2011 draft investment plan for AB 118 for pre- landfill bio-methane projects. The plan should be adopted within the month with grants becoming available during the same timeframe. They are also continuing to fund low interest loans through the Recycling Market Development Zone loan program.

Mr. Levenson recognized the Task Force's leadership role in conversion technologies to deal with biomass and discussions will continue on that topic. Mr. Mike Mohajer stated it appears CalRecycle's efforts are more towards composting when 75% of landfill material is organic matter and only 20% of that is compostable. He suggested CalRecycle and CARB make a joint effort to explore alternatives besides composting to deal with organic material. He also suggested they look at the odor impact of composting facilities. Mr. Levenson stated research has been conducted on emissions from conversion technologies and they recognize there is a need for other technologies. Mr. Carlos Ruiz asked if the markets could absorb all that's produced through composting. Mr. Levenson responded it's economically marginal industry and they have made and are making efforts to expand the market demands. Ms. Smyth added that they have units dedicated to both to composting and conversion technologies to achieve diversity. Mr. Mohajer expressed strong concerns that if the Chesboro bill of 75% diversion gets enacted, composting will not be adequate. Mr. Levenson reassured they are considering all avenues of handling organics. Ms. Landis added there are several ways to produce fuel and energy from biomass and since California is a large producer of biomass, she would like a more in-depth look into conversion technologies.

- Paint and Carpet Regulations – Mr. Levenson stated he couldn't respond to specific questions about these regulations because the formal rulemaking started late July, and they are in the middle of the comment period. They are still awaiting comments and have received comments from Mr. Mohajer and the Task Force. Once the comment period is over, they will give a formal response and propose changes to the regulations. He encouraged the Task Force to continue to submit formal comments again at that time. Ms. Mary Ann Lutz expressed concern that they did not receive the Task Force's March 29, 2011, comment letter on the carpet regulations and asked if a confirmation system could be put in place. Mr. Levenson asked that the letter be resubmitted. He stated this was the first time this has happened and they would put some type of confirmation in place.
- Sharps – Ms. Smyth stated SB 486 impacted pharmaceutical manufacturers that sell or distribute medications that utilize sharps and require manufacturers to annually submit a plan to CalRecycle that

outlines their actions to provide safe collection and proper disposals of sharps and educate consumers on the collection. They received 22 plans last year and posted them on their website as required in the bill. A coalition of organizations was set up to evaluate and score each plan and the report card is also posted on the website. Of the plans received, there were 2 As, 3 Cs, 2 Ds, 15 Fs and a few incompletes. Waste Management also submitted a plan that is also posted and they received an honorable mention. On July 1, 2011, they were to receive an updated or new plan for manufactures still producing sharps. They have collected 32 plans so far.

Mike thanked Mr. Levenson, Ms. Morgan, and Ms. Smyth for being open and participating in the Task Force meeting.

V. LEGISLATIVE UPDATE

Mr. Coby Skye gave an update on the [attached Legislative Table](#). He specifically addressed the following bills:

1. AB 341 (Chesbro)

This bill is in the Senate suspense file. The opposition letter from the Task Force hasn't been sent. Staff will wait for amendments to the bill before sending the letter because the amendments may remove the Task Forces opposition. If the amendments aren't in line with the Task Force's position, the letter will be sent. Mr. Mike Mohajer added that the bill was considered on August 15, and no local government representatives were present at the hearing.

2. AB 480 (Solorio)

This bill is on hold and will most likely become a two-year bill. A letter of opposition will be sent in the fall if it moves forward.

3. AB 1178 (Ma)

Letters were sent to City Managers encouraging their opposition to this bill. The Task Force also sent letters to legislators expressing its opposition, and "thank you" letters to those senators who opposed the bill. E-mail blasts were also sent to cities advising them of false information about the bill and encouraging them to oppose. If it continues to move forward, a letter to the Governor will be sent urging him to veto the bill.

Mr. Mohajer stated Contra Costa Times and the San Jose Mercury News wrote an article in opposition to the bill, and the Sacramento Bee,

Los Angeles Times, and San Francisco are expected to write an article or publish an editorial in opposition soon. Mr. Mohajer also stated he has been trying to work with the San Gabriel Tribune, but so far no editorials have been written.

4. SB 358 (Smyth)

This bill relates to underground storage tanks, and the County of Los Angeles Public Works is the lead agency for underground storage tanks. Staff's concern is that the bill would take away local authority and transfer it over to the State Water Resources Control Board and would create additional workload without additional resources. Staff recommended the Task Force oppose this bill and indicated Public Works is in the process of recommending to the County of Los Angeles Board of Supervisors to also oppose the bill.

After a brief discussion, Ms. Betsey Landis made a motion to send a letter of opposition, and Mr. Carlos Ruiz seconded. The motion passed with one abstention from Mr. Mohajer.

Mr. Skye stated that all bills must be sent to the Governor by September 9 to be considered this year, and he will have 30 days to sign any bills sent to him. On September 9 the legislature will go into recess until January 4, 2012. Mr. Skye anticipates quite a few bills will be sent to the Governor over the next few weeks and prior to the next Task Force meeting. Staff, with Task Force approval, will send letters to the Governor on those bills the Task Force has previously taken a position, requesting his signature or veto based on the Task Force's previously stated position. He also mentioned that several letters have been sent since the last Task Force meeting, and a few more will be sent.

VI. UPDATE ON SCAQMD DRAFT AIR QUALITY-RELATED ENGERGY POLICY

Ms. Mitchell reported that at last month's Task Force meeting, the ATAS requested that the Task Force send a letter to the AQMD regarding their proposed draft energy policy. Members of the subcommittee had expressed concern that the draft energy policy may have unintended negative impacts on conversion technology development in the south coast basin.

Since that time, staff has participated in two working group meetings hosted by the Air Quality Management District (AQMD). The draft energy policy provides information on current energy usage in the Basin, a list of policies to guide AQMD efforts, and a list of actions to be undertaken to support the policies. The policy will be used to guide the SQMD staff in integrated air quality issues with energy use planning. The draft energy policy also reiterates AQMD's longstanding position of fuel and technology neutrality. After reviewing the draft

energy policy, staff developed a letter from the Task Force recommending that AQMD consider "net emissions generation" in the draft energy policy. This means acknowledging the emissions a conversion technology facility can offset that would otherwise be generated due to landfilling waste, shipping waste long distances, generating electricity, and/or producing transportation fuels. The Energy Policy will be considered for adoption by AQMD Governing Board on September 9, 2011.

VII. PROPOSED REGULATION OF ARCHITECTURAL PAINT RECOVERY PRODUCT RULEMAKING

Mr. Matt Suska reported that comment letters from the Task Force for both the Architectural Paint Recovery Product Rulemaking (joint letter developed with the County of Los Angeles, the City of Los Angeles and County Sanitation Districts of Los Angeles County) and the Carpet Product Stewardship Regulation (Item VIII) were sent to CalRecycle during the informal comment period. Both regulations are in the formal rulemaking process now. Responses have not been received, and Staff recommended sending a follow-up to both letters. Mr. Mike Mohajer made a motion to send the letters and Ms. Karen Coca seconded. The motion passed unanimously.

VIII. CALRECYCLE'S PROPOSED CARPET PRODUCT STEWARDSHIP REGULATION

See Item VII.

IX. SUNSHINE CANYON LANDFILL, OUT-OF-COUNTY WASTE

Mr. Martins Aiyetiwa reported on staff's findings regarding the Notice and Order issued by the Sunshine Canyon Landfill-Local Enforcement Agency (SCL-LEA), which was later rescinded. He stated the SCL-LEA subsequently issued another letter revising the amount of out-of-County waste disposed of at the Landfill from 1,400 tons to 875 tons over a three-year period. However, CalRecycle advised the SCL-LEA to rescind the Notice and Order as the out-of-County waste restriction is a local land use permit matter. Accordingly, the SCL-LEA rescinded the Notice and Order and asked Republic to voluntarily address the matter.

In a letter, Republic explained that the 875 out-of-County tons were reported in error by their internal City Reporting Department for tonnages processed at their transfer station. Republic also committed to take specific steps to avoid the errors in the future. Staff reviewed the issues and found the percentage of the error reported over the three-year period was less than a percentage point or one ton a day. They also compared the error to industry reporting and found it was not inconsistent with industry standards and the State-allowed corrections.

Mr. Wayde Hunter commented that there are inconsistencies with Republic's letter dated June 17, 2011, and Republic's actions in that they did receive out-of-county trash through a transfer station. He believed such practice is contrary to the restriction imposed by the County Conditional Use Permit (CUP). He indicated that it wasn't an administrative error on Republic's part, rather a compensating error. He stated that he didn't want them to report no out-of-County waste when there was and didn't want the record expunged when there was an admission of noncompliance. He requested the Task Force to instruct Public Works to reassess their position and issue a Notice of Violation and not tolerate continued infractions.

Mr. Mike Mohajer responded that County Regional Planning is the enforcing agency of the CUP, not Public Works. Under the State law, landfills must report the origin of waste to County Public Works, and they in turn distribute the report to all affected jurisdictions for the purpose of AB 939 compliance. He stated that Public Works is experienced in the area of reporting origin of waste and had determined that the error was within statistical limits. He also stated the issue is a planning concern for the City and County of Los Angeles to address, rather than the SCL-LEA. He stated he agreed with staff's findings regarding the allowable error.

Ms. Karen Coca indicated that based on her experience with the City of Los Angeles' transfer stations, the County does a good job capturing the origins of trash. Transfer stations generally allocate tonnages according to the diversion rates of the cities where the trash is generated.

Mr. Chris Salomon agreed and added that once the waste gets to the tipping floor it becomes one pile of waste, and the tonnage is not exact. He stated that Republic might have an issue if they were comingling in- and out-of-County waste. If that was the case, it would be up to the City and County planning departments to decide if they would enforce separating the waste at the transfer stations.

Mr. Ruiz stated that there have been discussions between the County and Republic on this issue, and Public Works would ensure Republic has procedures in place to prevent out-of-County waste at the Sunshine Canyon Landfill.

Mr. Clint Bartlett of Republic stated CUP Condition 78 applies to the Landfill and not their transfer station, and if sorting of waste is necessary, they would look into it. They did not consider the allocation of waste to be falsifying records, and it was necessary as a proper procedure at a transfer station. Republic's Falcon Transfer Station received out-of-County waste. However, since the amount of waste received exceeded that which was transferred out, waste had to be allocated. In this case, Republic's City Reporting Department was not made aware that out-of-County tonnage should only have been allocated to other

disposal facilities they also used, such as Commerce Refuse-to-Energy Facility. As such, they believed that no out-of-County waste was received at Sunshine Canyon Landfill, and they should be allowed to correct the records through their disposal reporting. Mr. Bartlett further stated Republic's commitment that such errors would not occur in the future.

Mr. Mohajer indicated that the concern was not about the transfer station but about the Landfill's CUP, and Republic must have a system in place to ensure no out-of-County waste would enter the Landfill.

Ms. Mary Ann Lutz stated the best solution would be to go back to Regional Planning for their interpretation of the requirement and possibly ask to have it slightly amended to account for the possible comingling of waste at transfer stations. The CUP language either has to be strictly adhered to or amended to reflect the reality at transfer stations.

Mr. Hunter stated the CUP was put in place to protect the surrounding community of the Landfill and ensure adequate capacity for the City and County of Los Angeles. He wants the SCL-LEA's Notice and Order to stay in the record and made a request for the Task Force to bring this matter to the attention of the enforcing agencies.

Ms. Lutz made a recommendation that staff share the comments and concerns of Mr. Hunter as well as the Task Force with the enforcing agencies since the Task Force does not have authority in this matter. Since there was no quorum, a vote was not taken.

X. REPORT FROM CALRECYCLE

Ms. Jennifer Wallin reported the tire derived product, rubberized asphalt concrete, tire derived aggregate, and beverage container recycling grants will be released within this and the next couple of months.

XI. NEXT MEETING DATE

The next meeting is scheduled for Thursday, September 15, 2011, in Conference Room B.

XII. OPEN DISCUSSION

As a follow up on a potential science project for the Van Gough Elementary School to allow students to take readings from a weather station at Sunshine Canyon landfill, Ms. Becky Bendikson reported the Principal advised that the study would not be allowed per the LAUSD policy.

The meeting adjourned at 3:48 p.m.

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