

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

Minutes of October 18, 2012

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

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Grace Chan, rep by Chris Salomon, County Sanitation Districts of Los Angeles County  
Gail Farber, rep. by Pat Proano, County of Los Angeles Department of Public Works  
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  
Mitchell Englander, City of Los Angeles  
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  
Dr. Barry Wallerstein, South Coast Air Quality Management District

OTHERS PRESENT:

Gabriel Arenas, County of Los Angeles Department of Public Works  
Nancy Carr, CalRecycle  
George Gomez, County of Los Angeles Department of Public Works  
Wayde Hunter, NVC/GHNNC  
Corey Mayne, County of Los Angeles Department of Public Works  
Reina Pereira, City of Los Angeles  
Peggy Polinsky  
Mark Patti, City of Santa Clarita  
Carlos Ruiz, County of Los Angeles Department of Public Works  
Coby Skye, County of Los Angeles Department of Public Works  
Jennifer Wallin, CalRecycle  
Ben Wong, Southern California Edison, Local Public Affairs

**I. CALL TO ORDER**

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

**II. APPROVAL OF MINUTES OF SEPTEMBER MINUTES, 2012**

A motion was made to approve the minutes with minor corrections. The motion passed with abstentions from Ms. Margaret Clark and Mr. Chris Salomon.

**III. FACILITY AND PLAN REVIEW SUBCOMMITTEE**

Ms. Betsey Landis reported the subcommittee was updated on Sunshine Canyon Landfill and the odor complaints for September were close to record high with 244 complaints. They also have been issued four notices of violations on air quality. Mr. Wayne Hunter of the Granada Hills Community Advisory Board reported they have been communicating with the quality district office of the Air Quality Management District (AQMD) about the odor problem. AQMD reported approximately 60 violations had been issued at approximately \$8,000 per violation (the max is \$10,000 according to their regulatory code). Mr. Hunter felt the penalties are inadequate since it is less than ½ of 1% of their gross. Mr. Hunter asked what the County is doing to do to enforce correcting the problem and why aren't they assessing fines and stopping the inflow of trash until the odor problem is resolved. Ms. Mary Ann Lutz asked if a hearing regarding the penalties of the Notice of Violations (NOV) has been set. Mr. Hunter answered that nothing was publicly said about the violations and that the information was discovered while looking through BFI's legal department. BFI's legal department stated the NOV settlement wouldn't be discussed until the problem was resolved.

Mr. Pat Proano commented that AQMD responded to a letter from Councilman Englander stating that the settlement was for a period of time and they will continue to be involved in resolving the matter. To the inquiry of whether other penalties that can be imposed by other agencies or is AQMD the only one that can act, Mr. Proano stated that is a legal question. He also stated Republic Services is still under an Order for Abatement. Ms. Landis shared that the subcommittee is no longer receiving graphs showing the monthly history of odor complaints and wants to know if AQMD can continue to submit those without having someone be present at the meetings. Ms. Emiko Thompson added that AQMD wants to be present when the information is presented to be able to answer any questions that may arise.

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

Mr. George Gomez reported that Mr. Suk Chong announced that Mr. Coby Skye was recently promoted to Senior Civil Engineer and Section Head of the Programs Development Section, and as a result Mr. Skye was appointed as the new Chairman of the Alternative Technology Advisory Subcommittee.

The subcommittee was informed that the County of Los Angeles was disqualified from the CEC Grant opportunity, however, they will continue exploring other funding opportunities for this program. They are currently working on developing a survey for stakeholders and vendors asking them what will be helpful for them to move forward with a CT project.

In response to Supervisor Knabe's motion supporting CTs, the Task Force sent a letter of support on the motion and another letter to all cities urging them to adopt similar resolutions supporting CT legislation. In addition, several news articles were written that discussed the motion.

Mr. Jacques Franco provided a power point presentation regarding the 2012 California Bioenergy Action Plan.

Mr. Gomez announced that the Department Public Works will be participating at the Southern California Waste Management Forum Annual Conference, November 7, 2012, in Pomona, California and also at the Waste Conversion Congress, November 28-29, 2012, in Long Beach, California. Lastly, on November 26, 2012, DPW will be hosting a CalRecycle Workshop where AB 341, MRF Standards and CT matters will be discussed. This event will also be available via Webcast.

Mr. Pat Proano commented that in regards to the work being done with CTs, they are looking to get CalRecycle to sponsor the legislation. In addition to Supervisor Knabe's motion to support CTs, Mr. Proano also solicited support from the California State Association of Counties (CSAC) and asked them to make CT legislation a priority. There are also several cities already on board with CTs, but they need the League of California Cities (League) need to be more engaged, as well as other agencies. Ms. Mary Ann Lutz commented that with the upcoming elections there will be new members in Sacramento that are not familiar with waste management issues especially CTs, so a concerted effort is needed to get them educated early on before the opposition gets to them. She suggested a presentation be made to the League because they may not be getting all the information. Mr. Proano mentioned they also want to reach out to the environmental groups at the appropriate time. Ms. Landis commented that this is one reason why the Countywide Siting Element is important because it added

CTs and it's a good tool to show the direction Los Angeles County is moving. She encouraged those who haven't read it or commented to do so soon.

**V. SUMMARY OF CALRECYCLE WORKSHOP REGARDING MRF STANDARDS**

Ms. Nancy Carr of CalRecycle reported via teleconference that CalRecycle recently hosted a workshop on a project to explore possible performance standards for MRFs to (1) allow mixed waste processing to be considered comparable to source separation to meet the requirements under the mandatory commercial recycling law and (2) establish a standard that could facilitate the use of MRF residuals as possible feedstock for energy recovery as long as the majority of the recoverable, marketable material has been recycled or composted. They are working in the context of CalRecycle's 75% recycling initiative because they know MRFs are a very important part of how they will reach that goal. A project team was established comprised of staff from various departments within CalRecycle to discuss the possible ways to set the MRF standards. The workshop covered general background information on MRFs, their regulatory status, CalRecycle data, and their recycling mission. There is a huge variability in the aspects of MRFs such as size, age, technology, markets, and what they do. They are an integral part of the local waste management system and each one is different and works in different circumstances to meet the local situation. The workshop also covered the differences between mixed waste processing MRFs and clean MRFs. The team presented options developed to address the two MRF standards for consideration, to bring up questions that need to be addressed for each option, and to get stakeholder feedback. The options presented weren't intended to be a definitive list as there are other options that could be considered and/or combined as well. The options are open for stakeholder input.

The following four options were presented for the mixed waste processing to be considered comparable to source separation topic: (1) Specify the amount of certain materials allowed in residual as waste processing facilities, (2) Require the use of best management practices to ensure the maximum amount of material is diverted, (3) Specify the recovery rate from mixed processing facilities, and (4) Compare the early results on a month-to-month basis moving beyond the facilities. The second topic, MRF residuals as possible feedstock for energy recovery, had two options: (1) Specify the amount of certain materials allowed as residuals and (2) Require the use of best management practices. A question and answer period following the presentation and several comments were received. There was also the opportunity for comments to be sent in for a two-week period after the workshop. They are currently in the process of obtaining the feedback to develop their next steps, which include holding a workshop in Southern California in November.

Mr. Pat Proano thanked Ms. Carr and stated that Public Works has offered to host the workshop on November 26, 2012, and asked if the workshop would be a full day like the Sacramento workshop. Ms. Carr responded that the workshop in Sacramento was actually two workshops, but the one in November it would only be half day and they will not repeat the topics previously covered.

Mr. Mike Mohajer stated that because the Task Force operates under the Brown Act and the workshop wasn't on the previous agenda, they weren't able to submit comments, but he has several comments for consideration. He asked if Ms. Carr was at liberty to say if comments could still be submitted for the afternoon session on the 75% plan since it's after the two-week submittal. Ms. Carr stated she was not at liberty to say. Ms. Jennifer Wallin said she would find out if comments can still be submitted for the 75% plan. Ms. Carr did state having the comments would be valuable to them in planning their next steps so they should be sent in as soon as possible. Mr. Proano encouraged everyone to attend the workshop and would send more information as the details are finalized. Ms. Betsey Landis asked for clarity on the requirement that the majority of the waste has to be recycled or reused. Ms. Carr responded that their intent is to have the material go to their highest and best use, and recycling is at the top of the waste management hierarchy. They are looking at the residuals and if there is material that could've been recycled or composted or put to a better use. Ms. Landis responded she felt composting is not always a best use and if there is a need for a fuel source, conversion technologies may be a better option. Mr. Carr stated it is not their hierarchy.

Mr. Proano commented that in Sacramento they discussed the differences between the composting preferences between northern and southern California and there are certain difficulties that are in the southern region, so having more tools would be beneficial because some of the requirements are impractical. Ms. Carr did acknowledge the need for flexibility and they will try to build that in as much as possible. Ms. Margaret Clark stated the new regulations will require payment to send greenwaste as alternative daily cover to a landfill, and since there is an ordinance in her city to plant double the trees taken out, the regulations would be a punishment and harmful to the environment. She requested consideration of this in the final approval. Ms. Clark also asked about the majority of material being recycled when some could be used for conversion technology. Ms. Carr stated that the word majority shouldn't be taken too seriously and that there isn't a specific percent that is mandated.

Mr. Mohajer asked if the type of residual used for energy is left over after the 75% goal is achieved and Ms. Carr said it's the overall statewide goal of recycling. Mr. Mohajer also asked if the 75% goal is global using recycling, source reduction, and composting but not conversion technology. Ms. Carr wasn't sure. He also asked if using MRF residuals for energy recovery is the

best, highest use of this type of residual and confirmed that the goal is not to have all waste go to MRF first. Ms. Karen Coca agreed standards need to be developed, but they need to be able to be monitored and real so it is known that the material is recycled when sent to the facility. Having flexibility in the prescriptive numbers or methods that will reduce the number and/or types of facilities or that will make it too expensive to be sited is key. They will work with CalRecycle to make sure the definitions are appropriate for southern California. Mr. Proano added that there is a genuine effort from CalRecycle to listen to all concerns, try to meet all the needs, and come up with something that will move along conversion technologies. He expressed his appreciation of CalRecycle's efforts and stated they would be a part of the process. Mr. Mohajer commented that CalRecycle is being questioned to a lot of people and it would be helpful to have something in writing from southern California so northern California isn't the only voice heard and in control. Ms. Coca responded that right now they're still working towards the specifics and it will be an iterative process. Ms. Carr concluded that if there were any comments on the first workshop from the Task Force or individual cities, they would appreciate the input because it helps them.

#### **VI. UPDATE ON CALRECYCLE AB 341 DRAFT REPORT TO THE LEGISLATURE**

Mr. Coby Skye reported that CalRecycle is slowly advancing the 75% plan. He noted the key concerns raised by the Task Force regarding the plan, as expressed to CalRecycle following the release of the plan earlier this year. At the September meeting, the Alternative Technology Advisory Subcommittee recommended sending a letter on this issue. There isn't a lot of guidance, and Ms. Carr stated she is looking for more participation from the southern California to provide more clear feedback. The Subcommittee suggests supporting the Best Management Practices approach, which has more flexibility, allows MRFs to tailor their approach, accounts for whether there is a market for recyclables, and gives more options for non-recyclable materials to be beneficially used, such as through conversion technologies.

Ms. Mary Ann Lutz stated more stakeholders should be present at the meeting in November. The information needs to go back to the Leagues and the Council of Governments (COGs) and since the League representatives currently on the Task Force are all part of the same COG, something needs to be done to reach out to the other COGs. She suggested a pre-meeting before the November meeting inviting all the electives and their Public Works staff. Los Angeles County needs to be engaged in this issue.

Ms. Lutz made a motion to outreach to all of the COGS including the League to have a pre-meeting before the November 26 CalRecycle workshop. The motion was seconded by Mr. Mike Mohajer and passed unanimously.

Mr. Mohajer made a motion to send a letter to CalRecycle regarding the 75% plan, reiterating Task Force's original comments. A discussion ensued and Mr. Proano stated there are 10 components of the plan that should be watched carefully. Mr. Chris Salomon stated he feels based on past actions CalRecycle may be intent on moving legislation that would undo AB 939 and further strengthen AB 341. After further discussion, Ms. Lutz modified the motion to include in the letter a request to have Carol Mortensen's verbal comments from CalRecycle's September 19, 2012, morning session workshop put in a letter or memo for future reference. The motion was seconded by Mr. Pat Proano and passed unanimously.

## **VII. BROWN ACT PRESENTATION**

Ms. Barbara Goul of the County of Los Angeles County Council presented the [attached Brown Act](#) overview. The Brown Act has been around for about 60 years and applies to all local legislative bodies. It guarantees the public's right to watch how business is conducted, participate in meetings, and provides public oversight. Some of the key components she brought forth pertaining to the Task Force are as follows:

- Consider adding more information to the statement on the agenda "May take action on recommendations from Subcommittee". Maybe add topics or subject matter. Good idea to attach sub-committee agenda to the Task Force Agenda.
- Agenda needs to physically be posted at meeting site. An electronic version is good, but it has to be physically posted as required by the Brown Act.
- Any time before or after a motion is passed, members of the public must have the opportunity to comment before item is voted on.
- The Brown Act also applies to business being discussed by email. If nine members discuss issues through e-mail it is a quorum and would be a violation of the Brown Act. If communicating by email, it would be a good idea to have a non-member send the email to avoid possibility of discussing issues and positions on a matter. This also applies to teleconferencing.
- In regards to the Legislative Update, it is not needed to note each item on the legislative summary on the agenda. A statement such as "may discuss and take action" with a reference to the legislative summary must be made. Ms. Goul will look into providing specific language to add to the Agenda for this item. All action taken on any legislation should be consistent with the County's CEO's legislative plan. Ms. Goul will also get clarification from CEO as to if the Task Force is under Los Angeles County or is a separate entity.

- Wayde Hunter (NVC/GHNNC) – suggested the Task Force use as standard language. Commented on Brown Act and sample language that could be used in the Agenda (listen to recording for further info.) All current legislation as it relates to municipal solid waste. City of Los Angeles City Council. Operating in the proper interest of the public. Complimented the County on the approval process of agendas in relation to the Brown Act.
- Sign in Sheet – signing in is optional. The public does not need to sign in as a condition of attendance, and a statement should be added to the sign in sheet indicated that.
- Tape recording and minutes are public records and a member of the public is welcome to record as well.
- Brown Act does not require minutes, but if you do take minutes they are public records.

**VIII. CONSIDERATION OF THE PRELIMINARY DRAFT COUNTYWIDE SITING ELEMENT**

Ms. Emiko Thompson requested all comments on the Siting Element should be submitted by the end of October noting approval should be acquired by the end of the year or the process may have to start over again with the subcommittee if the data becomes outdated.

Mr. Mike Mohajer made a motion to have all Task Force comments submitted by October 25, 2012. The motion was seconded by Pat Proano and passed unanimously. Ms. Mary Ann Lutz suggested the Siting Element be the only item on the agenda to ensure sufficient time to discuss all comments. Staff will incorporate comments and send out by the next mail out date. In regards to the contract for to hire a consultant, the RFP was advertised on September 27, 2012, the proposers' preconference was held October 11, 2012, and all proposals are due October 25, 2012.

**IX. UPDATE ON WATER BOARD'S PROPOSED STATEWIDE ORDER AND CALRECYCLE'S DRAFT REGULATORY REVISIONS TO TITLES 14 AND 27 REGARDING COMPOSTING FACILITIES**

No Report. Item postponed until the November 15, 2012, meeting.

**X. REPORT FROM CALRECYCLE**

Ms. Jennifer Wallin reported they will start the process to look at the Form 303 regulations at the November meeting. The informal comment period will run October 22, through November 5, 2012, and the formal rule making will start



shortly after. More information regarding the process can be found at [www.calrecycle.ca.gov](http://www.calrecycle.ca.gov). She also reported on the following upcoming workshops:

- Composting regulations workshops will be held October 23, and 31, 2012. On November 15, 2012, a workshop will be held in Riverside for food waste definition, land application and green waste contamination.
- The Water Board compost facility discharge requirements will be November 6, 2012.
- Beverage Container Reform Issue: 4 workshops scheduled in Sacramento throughout October. Topics will include modernizing program operation, improving cash flow, and reducing payables.
- Recycling Market Development Zone Works – They've already exhausted the \$5 million amount of loans allotted for this fiscal year. Fortunately they were able to find another \$4 million to apply to the program. Workshops in Sacramento will be held December 5, and 6, 2012.

Mr. Mike Mohajer added that Ms. Wallin will be speaking on AB 341 and commercial recycling at the Waste Management Forum on November 7, 2012.

#### **XI. NEXT MEETING DATE**

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

#### **XII. PUBLIC COMMENT**

Mr. Ben Wong from Southern California Edison provided the [attached presentation](#) to update the Task Force of what is and will be happening on the electrical line relocation project at Sunshine Canyon Landfill and answer any questions/concerns. He stated the Permit to Construct application to CPUC requesting approval to construct will be filed November 9, 2012. Construction will take place outside of the disturbed area. Power poles are not above the landfill.

Mr. Wayne Hunter inquired about and financial insurance bills. Because the Task Force couldn't discuss these issues, Ms. Mary Ann Lutz recommended putting those bills on the January 2013 agenda.

The meeting adjourned at 3:47 p.m.

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