



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

December 18, 2012

IN REPLY PLEASE
REFER TO FILE: **EP-4**

Ms. Carol Mortensen, Director
California Department of Resources
Recycling and Recovery (CalRecycle)
P.O. Box 4025
Sacramento, CA 95812-4025

Dear Ms. Mortensen:

MATERIALS RECOVERY FACILITY PERFORMANCE STANDARDS

As a follow-up to the workshops conducted by CalRecycle on September 19, 2012, and November 26, 2012, the County of Los Angeles Department of Public Works (Public Works) would like to provide the following comments regarding the concepts discussed for performance standards for materials recovery facilities (MRFs).

GENERAL COMMENTS

- ***Encouraging diversion from landfills should be a priority.*** The County of Los Angeles believes it is essential to place the discussion of the MRF standards in a broader context. If we burden MRFs with additional requirements, as a condition for using their residuals for energy recovery or other beneficial purposes, we will continue to drive those residuals towards landfill disposal. Instead, the State should make it a priority to encourage diversion from landfills. The closure of the Puente Hills Landfill in 2013 makes this issue imperative.
- ***Facilitating development of conversion technologies is crucial for California.*** Conversion technologies refer to a wide array of technologies capable of converting post-recycled or residual solid waste into useful products, green fuels, and renewable energy through noncombustion thermal, chemical, or biological processes. Development of conversion technologies is crucial for California in order to:

- Mitigate the impacts from urban landfill closures (those associated with transportation to remote locations across County boundaries, including environmental and economic impacts)
 - Achieve the greenhouse gas reduction goals of AB 32
 - Achieve the 33 percent Renewable Portfolio Standard mandate
 - Boost green job creation
 - Realize the environmental justice benefits of replacing landfill disposal with advanced conversion technologies
 - Enhance recycling (since conversion technologies complement recycling)
 - Develop domestic green/renewable fuels and other forms of energy from wastes, thus reducing dependence on imported fossil fuels
- ***A MRF certification approach is preferable to fixed numerical standards.*** We believe MRFs should be allowed to independently certify that they have recovered materials to the maximum extent feasible while allowing the State to audit those certifications. This is preferable to the options currently under consideration that would essentially require the State to micromanage how MRFs operate on a day-to-day basis.
- ***A single MRF standard is preferable to multiple standards.*** The CalRecycle workshops separated the MRF standards discussion into two topics – Topic 1 focused on defining mixed waste processing comparable to source separation and Topic 2 focused on standards for MRF residuals to be used for energy recovery. These two topics need not be independent of each other. If mixed waste processing achieves recovery rates comparable to source separation, the residuals should be acceptable for use as feedstock for conversion and energy recovery facilities.
- ***A MRF standard for energy recovery must be linked to appropriate incentives.*** Additional requirements and standards have typically been associated with environmental incentives. For example, State law requires all recyclable materials and marketable green waste compostable materials to be separated for recycling or composting in order to meet the criteria for gasification, as defined under current law. On the basis of that definition, the management of the residuals through gasification is

considered equivalent to other forms of diversion for the purpose of complying with AB 939, and the energy produced by a gasification facility is an eligible renewable resource under California's Renewable Portfolio Standard. Similarly, the MRF standard for energy recovery should be linked to incentives associated with compliance with the standard. Otherwise, there would be little incentive for a MRF to meet the standard.

- ***Recommended options for ensuring up-front recycling.*** Over the past year, Public Works has met with numerous cities, waste haulers, and conversion technology vendors in Southern California. We have seen interest in a variety of conversion technology facilities ranging in size from small-scale (i.e. located onsite with hospitals, jails, or schools) to regional-scale capable of managing waste from multiple jurisdictions. To ensure recycling is maximized as conversion technology facilities are established, we recommend allowing any of the following three general options:
 1. Any jurisdiction sending residential waste to a conversion technology facility must certify the establishment of a residential curbside recycling program.
 2. Any jurisdiction sending commercial waste to a conversion technology facility must certify the establishment of a commercial source-separated recycling program and/or compliance with AB 341's commercial recycling mandate.
 3. The conversion facility must have an upfront sorting and recycling system in place, which meets the standards of a mixed-waste processing MRF.

SPECIFIC COMMENTS

CalRecycle staff provided two options for discussion at the workshops. Below are specific comments on each option.

- ***Option A – Specify Amounts of Designated Materials Allowed in Residuals***

We do not believe Option A is a viable approach to ensuring recyclable materials are recovered to the maximum extent feasible for the following key reasons:

- This option would be impractical, costly, and would require defining what is and is not recyclable, which is a subjective standard.
- Regional influences, including differences in waste characteristics in urban and rural communities, and even variability based on seasons, weather, and other factors impacts a MRF's ability to extract specific quantities of potentially recyclable materials from the wastestream.
- The availability of markets for materials that are recovered plays the most important role in determining whether certain materials are recovered or sent for disposal.
- Establishing a specific numerical-based standard does not take cost into account. The cost to recover materials from the wastestream must be balanced by the market value of the material. As we saw with the economic downturn in 2008, materials that were traditionally recycled were stockpiled at recycling facilities and ultimately disposed in many cases.
- It would be punitive to MRFs processing materials from communities where residents (by necessity) take all valuable recyclables to drop off recycling stations and from communities frequented by scavengers since proportionally fewer recyclables would be available for recovery.

- ***Option B – Require Use of Best Management Practices***

If additional verification of MRF performance is absolutely necessary, we recommend Option B over the other option. However, rather than prescribing specific best management practices, it may be useful to develop a guidance document containing a series of recommendations and procedures that may be implemented at a MRF depending on the type of MRF (i.e. single-stream, dual-stream, mixed waste, and construction and demolition debris). This guidance document could be developed by CalRecycle through a public process with input from stakeholders.


Local permitting agencies would be able to use this guidance document to tailor specific permit requirements applicable to their local climate change and recycling goals, geographical limitations, waste characteristics, and available markets for products or byproducts produced.

Ms. Carol Mortensen
December 18, 2012
Page 5

On behalf of the County of Los Angeles, we would like to thank CalRecycle for coordinating the stakeholder workshops to discuss MRF standards. We appreciate your consideration of these comments and look forward to further discussions with you on this issue as we move forward.

If you have any questions, please contact Mr. Pat Proano, Assistant Deputy Director, Environmental Programs Division, at (626) 458-3500, Monday through Thursday, 7 a.m. to 5:30 p.m.

Very truly yours,

A handwritten signature in black ink that reads "Gail Farber". The script is cursive and fluid.

GAIL FARBER
Director of Public Works

TM/CS:my
P:\Sec\MRF Standards Letter-LA County REV

cc: Office of Governor Jerry Brown (Cliff Rechtschaffen, Nancy McFadden)
Resources Secretary (John Laird)
California Air Resources Board (Mary Nichols)
California Energy Commission (Robert B. Weisenmiller, Carla Peterman, Karen Douglas, Andre McAllister)
California Environmental Protection Agency (Matt Rodriguez)
CalRecycle (Howard Levenson, John Sitts, Nancy Carr)