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SOLID WASTE MANAGEMENT COMMITTEE/
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March 14, 2019

Mr. Tim Hall
Materials Management and Local Assistance Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812

Dear Mr. Hall:

COMMENTS ON SB 1383 INFRASTRUCTURE AND MARKET ANALYSIS DRAFT REPORT

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to thank the California Department of Resources Recycling and Recovery (CalRecycle) for the opportunity to comment on the Infrastructure and Market Analysis Draft Report (Draft Report, link below), which was released on Friday, March 1, 2019, for Senate Bill 1383 (Lara, Chapter 395 of the 2016 State Statutes) Short-Lived Climate Pollutants (SLCP).

<https://www.calrecycle.ca.gov/docs/cr/climate/slcp/DRAFTSB1383InfrastructurandMarketAnalysisReport.pdf>

An electronic copy of this comment letter will be emailed to:
timothy.hall@calrecycle.ca.gov.

General Comments:

- The Draft Report should include an upfront opening paragraph clearly defining the purpose of the report and a list of deliverables. As currently drafted, it is difficult to determine the intent of the Draft Report. Combined with the short deadline (two weeks) given to review the document, we respectfully request that the review/comment period to be extended by a month to April 15, 2019.

Specific Comments:

- Page 1: The Draft Report includes significant discussion about composting and anaerobic digestion (AD) technologies. However, the Draft Report acknowledges that carpets and textiles cannot be composted or anaerobically digested because these

materials need to be diverted from landfill disposal pursuant to the draft SB 1383 regulations released by CalRecycle in January 2019, the Draft Report should not limit its analysis to composting and AD only and should include technologies that can process all waste streams, including thermal conversion such as gasification and pyrolysis.

- Page 1: The Draft Report states that California “*generates*” 20 – 23 million tons of organic waste per year. However, based on 2014 CalRecycle Waste Characterization Study, CalRecycle currently estimates that Californian’s annually “*generate*” approximately 33 million tons of solid waste and “*dispose*” of approximately 20 - 23 million tons of organic waste per year. The Draft Report should be revised to make the appropriate correction(s) and clearly make the distinction between “*generation*” and “*landfill disposal*” throughout the Draft Report.
- Page 1: It has been stated in the Draft Report that after 2025, SB 1383 will limit landfill disposal of organic waste to no more than 5.7 million tons per year. The Draft Report also states on Page 1 that California’s compost and AD facilities can accept 6 million tons of organic materials. According to these statements, when SB 1383 is fully implemented, California will need to divert an additional 8.3 - 11.3 million tons of organic waste. However, Page 1 of the Draft Report also states that when SB 1383 is fully implemented, California will need to divert at least an additional 14 million tons of organic waste. The Draft Report should explain/clarify why 14 million tons of organic waste need to be diverted if California only landfills 20 – 23 million tons of organic waste per year while 6 million tons are currently being diverted through composting and AD, and 5.7 million tons per year can still be disposed in landfill pursuant to SB 1383.
- Page 2: The Draft Report states, “*Throughout California, half of what composters produce is compost, and they sell 65 percent of their compost to the agriculture industry. This is significant since skeptics in the 1990s doubted that mainstream agriculture would ever use compost produced from urban wastes.*” The Draft Report should specify what is meant by “*urban waste*”. It is unclear if this is a new type of waste or if it is organic waste being generated in urbanized areas that has to be shipped out of the area for processing. To validate this statement, the Draft Report should also specify how much of the compost sold to the agricultural industry is produced from “*urban wastes*”. On Pages 47-50, the Draft Report states that Southern California composters sell 75 percent of their compost materials to the agricultural industry, but the Draft Report does not state how much of the compost produced in Southern California is created from urban wastes.
- Page 3: The Draft Report states, “*The primary reason organics processing facilities expand is an increase in feedstock availability via new collection programs. Facilities will expand if entities collect the material; it has become too costly, time-consuming, and risky for facility developers to create new processing capacity without a dedicated*

contract for feedstock.” The SB 1383 regulations require mandatory organic waste collection services to start on January 1, 2022. Counties are required to submit their organic waste capacity plans demonstrating guarantees of access to verifiably available capacity to CalRecycle on February 1, 2022. Because the Draft Report acknowledges that organics processing facilities are unlikely to develop or expand without dedicated contracts for feedstock, CalRecycle should consider not requiring counties to demonstrate guarantees of access to verifiably available capacity until several years after mandatory organic waste collection services begin.

- Page 17: The Draft Report analyzes infrastructure capacity and markets based on regions. Region 4 groups Imperial County, Kern County, Los Angeles County, Orange County, Riverside County, San Bernardino County, San Diego County, and Ventura County. Over 25 percent of the state’s population is in Los Angeles County. Some of the other counties in Region 4 are much less densely populated and have much less stringent regulatory standards for facility development. In Table 7 on Page 32, the Draft Report finds that Region 4 has over “3 million tons per year of excess available capacity”. However, this finding is misleading because much of this capacity is not located in or near Los Angeles County, where the majority of the organic waste in Region 4 is generated. The Draft Report should further refine each region, especially Region 4, to develop a more accurate analysis that accounts for the challenges in transporting of organic waste over large distances and between jurisdictions. In addition, the Draft Report should address these challenges, including the greenhouse gas emissions from transporting organic waste over significant vehicle miles to remote composting facilities. Furthermore, the Draft Report should acknowledge that the development of AD and thermal conversion facilities located near densely-populated urban areas is preferable economically and environmentally to transporting organic waste to remote facilities.
- Page 27: Using the “Daily Incoming Processing Capacity” for the analysis is not accurate. It disregards the need to analyze permitted daily capacity, including permits for all regulatory agencies. A facility must have all local, regional, state, and federal permits in order to consider its capacity as “available capacity.” (emphasis added).
- Page 60: The Draft Report does not and should include some of the main causes of permitting delays, including the lack of collaboration among permitting agencies, the lengthy California Environmental Quality Act (CEQA) process and environmental justice requirements.
- Page 60: The Draft Report states that 44 percent of composters indicated that requiring state agencies to purchase compost would be beneficial and 32 percent of composters indicated that requiring agriculture to purchase compost would be beneficial. However, the SB 1383 regulations only require local jurisdictions such as counties and cities to procure compost created from recovered organic waste. The

SB 1383 regulations should also require state agencies and the agriculture industry to procure compost created from recovered organic waste to further strengthen the compost market and promote the development of composting facilities.

- Page 68: The Draft Report indirectly advocates for less stringent land use, air permit, and wastewater discharge requirements for composting facilities. Like any other industry in California, composting facilities must comply with all local, regional, state, and federal laws and regulations in order to protect public health and safety as well as preserving our natural environment.
- Page 82: The Draft Report states that *“generators of organic materials may need to appreciate that, like landfills and biosolids composting facilities, accessing available capacity may significantly increase hauling distance (and thus cost).”* Because composting facilities are most likely to be sited far from urban centers due to air quality and odor concerns, the Draft Report should acknowledge that composting is not a feasible solution to process much of the organic waste from urban centers and that significant AD and thermal conversion facilities will be needed to reduce hauling distances.
- Page 82: The Draft Report states that *“increased food scraps collection results in increased contamination. While some composters are investing in equipment and developing procedures to manage this, more effort needs to be made upstream to manage contamination.”* It is very likely that post-consumer and residential food waste will be highly contaminated for several years after mandatory organic waste collection is implemented. Composting and AD facilities should plan to invest heavily in equipment and procedures to remove contamination from the organic feedstock. Furthermore, the state should promote the development of thermal conversion facilities that are capable of processing organic waste containing large amounts of contaminants as well as processing contaminants removed from organic waste destined for composting and AD.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939]), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

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We respectfully request CalRecycle to address these comments, concerns, and recommendations in the next version of the Draft Report and in the next formal draft of the SB 1383 proposed regulation text. Should you have any questions regarding these comments, please contact Mr. Mike Mohajer, a member of the Task Force, at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Council Member, City of Rosemead

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cc: CalRecycle (Howard Levenson, Mark de Bie, Cara Morgan, Hank Brady,
Georgianne Turner, Chris Bria & Marshalle Graham)
California Air Resources Board (Mary Nichols and David Mallory)
California Department of Food and Agriculture
California Department of Public Health
League of California Cities
League of California Cities, Los Angeles Division
California State Association of Counties
Each Member of the Los Angeles County Board of Supervisors
Sachi A. Hamai, Los Angeles County Chief Executive Officer
Each City Mayor/Manager in the County of Los Angeles
South Coast Air Quality Management District
South Bay Cities Council of Governments
San Gabriel Valley Council of Governments
Gateway Cities Counsel of Governments
Southern California Association of Governments (Frank Wen)
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Solid Waste Management
Committee/Integrated Waste Management Task Force
Each Member of the Task Force Alternative Technology Advisory Subcommittee
Each Member of the Task Force Facility Plan Review Subcommittee