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October 16, 2019

Ms. Ashley Yee
Materials Management and Local Assistance Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812

Dear Ms. Yee:

COMMENTS ON THE OCTOBER 2019 PROPOSED REGULATION TEXT FOR SENATE BILL 1383

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 October 2019 Proposed Regulation Text, Third Formal Draft (proposed regulations, linked below), which was released on October 2, 2019, for Senate Bill 1383 (Lara, Chapter 395 of the 2016 State Statutes) Short-Lived Climate Pollutants (SLCP).

<https://www2.calrecycle.ca.gov/Docs/Web/115719>

An electronic copy of this comment letter will be emailed to the following:
SLCP.Organics@calrecycle.ca.gov

A. GENERAL COMMENTS

- 1. The Third Formal Draft of the proposed regulations imposes inordinately excessive responsibilities on local jurisdictions compared to other regulated entities, which are not consistent with existing state statute.**

The Task Force recognizes the significant responsibility CalRecycle has under State law to achieve the Statewide 75 percent “recycling” goal by 2020, reduce organic waste landfill disposal by 75 percent by 2025, support the Air Resources Board in reducing climate pollutants, and the limited time granted by the State Legislature to achieve these goals. However, while the Task Force strongly

supports efforts to reduce climate pollutants, the Task Force is very concerned about the approach that CalRecycle has selected, which places a tremendous burden and responsibility on counties and cities (more than any other stakeholder group, including, but not limited to, state agencies, public and private colleges and universities, school districts, local education agencies and non-local entities as defined in Article 1, Section 18982 (a) (40) and (42), respectively, etc., [emphasis added]), while relying on extremely prescriptive requirements, and excessive inspection and monitory reporting, while requiring counties and cities to impose steep penalties on residents and businesses.

The Task Force believes that the Third Formal Draft of the proposed regulations stipulates a number of mandates that are inconsistent with the provisions of the Article XI of the California Constitution in regard to general law and charter cities and counties as well as provisions of the California Public Resources Code (PRC), Subdivision 40059 (a) which, in part, states, “*each county, city, district, or other local governmental agency may determine all the following:*”

Aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location, and extent of providing solid waste handling services.” (emphasis added)

(as an example, see provisions of Articles 3, 14, and 15 through 17 of the mandates stipulated by the Third Formal Draft of the proposed regulations.)

State law, Section 40001 (a) of the Public Resources Code (PRC), declares that “the responsibility for solid waste management is a shared responsibility between the state and local governments (*emphasis added*).” Furthermore, SB 1383 recognizes the shared responsibility “the waste sector, state government, and local governments” have in achieving the organic waste landfill disposal reduction goals for 2020 and 2025, and thus requires CalRecycle to analyze the progress made by the three sectors, in that order, including “commitment of state funding”, in achieving the said goals {PRC Section 42653 (a)} (*emphasis added*). However, under the Third Formal Draft of the proposed regulations, the responsibility weighs much more heavily on counties and cities, including programmatic and penalty requirements, than on state agencies, school districts, and special districts, local education agencies, and non-local entities (as an example, see provisions of Articles 14 and 15 of the proposed regulations).

The Task Force strongly recommends that the Office of Administrative Law (OAL) consider the lack of consistency, as defined by Government Code 11349(d), between the proposed regulations and PRC 40059 when considering the regulations pursuant to Government Code 11349.1. Before approval, the proposed regulations must be revised to be consistent with the provisions of the California Constitution and the California Law to provide for a more equitable distribution of the

responsibility for achieving the disposal reduction goals among all sectors, including industry, state government, school districts, public and private colleges and universities, and other non-local entities and local education agencies, etc.

2. The Third Formal Draft exceeds its statutory authority by requiring jurisdictions to impose mandatory monetary penalties on residents and businesses.

SB 1383 does not provide CalRecycle with the authority to require local jurisdictions such as counties and cities to impose civil (monetary) penalties on residential or commercial organic waste generators for non-compliance (emphasis added). This requirement as stipulated by CalRecycle exceeds the authority granted to CalRecycle by State law.

While SB 1383 grants CalRecycle the authority to “require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction,” this authority does not extend to the imposition of penalties (emphasis added). SB 1383 only states that CalRecycle “may authorize local jurisdictions to impose penalties on generators for non-compliance” {see Section 42652.5. (a)(1) of the Public Resources Code (PRC)} (emphasis added).

However, the proposed regulations [Article 16, Section 18997.1 (b)] specify that jurisdictions “shall *adopt ordinance(s) or enforceable mechanisms to impose penalties* as prescribed in Section 18997.2.” (emphasis added).

In addition, Section 18997.2. Penalty Amounts, requires: “(a) *A jurisdiction shall impose penalties* for violations of the requirements of this chapter consistent with the applicable requirements prescribed in Government Code Sections 53069.4, 25132 and 36900. The penalty levels shall be as follows: ...” (emphasis added). As proposed, a single-family dwelling may be subject to a penalty of \$100 for the first offense, \$200 for the second offense, and \$500 for the third and each subsequent offense.

In requiring counties and cities to impose steep civil penalties of up to \$500 per offense on residents and businesses for non-compliance with each requirement of the regulations, CalRecycle would exceed its authority under the law, notwithstanding the provisions of Government Code Sections 53069.4, 25132 and 36900. Such authority is vested on local governmental agencies by PRC Section 40059, which states that, “each county, city, district, or other local governmental agency may determine...aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, *charges and fees*, and nature, location, and extent of providing solid waste handling services” (emphasis added).

The Task Force strongly recommends that the OAL consider the lack of authority, as defined in Government Code 11349 (b), granted to CalRecycle to require local jurisdictions to impose mandatory financial penalties on residents and commercial businesses, when considering the regulations pursuant to Government Code 11349.1. Before approval, the proposed regulations must be revised to delete any and all provisions that *require* counties and cities to impose civil (monetary) penalties on their residents or businesses. The language may be revised pursuant to PRC Section 42652.5 (a)(1) to authorize counties and cities to do so, as they deem appropriate (emphasis added).

3. **By precluding CalRecycle from considering “good faith effort” by local jurisdictions to comply with the regulations, the Third Formal Draft is in conflict with existing state statute.**

CalRecycle’s Statutory Background and Primary Regulatory Policies document states, in part, that “**Legislative guidance directs CalRecycle not to**...utilize the “Good Faith Effort” compliance model specified in PRC Section 41825.” *This is inaccurate and contrary to the language of SB 1383.*

Section 42652.5. (a)(4) of the PRC specifically *requires* CalRecycle to consider “good faith effort” in determining a jurisdiction’s progress in complying with the law. It states that CalRecycle “**shall** base its determination of progress on relevant factors, including, but not limited to, **reviews conducted pursuant to Section 41825**” (emphasis added).

Since PRC Section 41825 establishes the process to determine whether a jurisdiction has made a “good faith effort” to comply with the law, it is clear that CalRecycle is *required* to consider “good faith effort” in making its determination of a jurisdiction’s progress.

The Task Force strongly recommends that the Office of Administrative Law (OAL) consider the lack of consistency, as defined by Government Code 11349(d), between the proposed regulations and PRC 41825, when considering the regulations pursuant to Government Code 11349.1. Before approval, the proposed regulations need to be revised to require CalRecycle to consider “good faith effort” in evaluating jurisdictional compliance.

4. **The procurement requirements in the Third Formal Draft exceed the authority granted to CalRecycle in existing state statute.**

The Third Formal Draft of the proposed regulations requires local governments to purchase recovered/recycled organic waste products targets set by CalRecycle. While the Task Force cannot see any statutory procurement requirement within the provisions of SB 1383, the implementation of these requirements will result in substantial additional costs to local governments over and above the costs

jurisdictions already anticipate incurring for complying with the extensive programmatic requirements of the proposed regulations. Therefore, the Task Force respectfully requests that CalRecycle instead work to develop markets for recovered/recycled organic waste products.

Further, the additional costs that will result from complying with the proposed regulations' procurement requirements represent an unfunded state mandate under California Constitution, Article XIII B, Section 6 (a) since the Third Formal Draft of the proposed regulations would impose a new program on local governments and neither the draft regulations nor the Amended Initial Statement of Reasons identifies a state funding source. Moreover, local governments generally do not have the authority to impose fees or assessments that would pay for the increased costs that they would incur as a result of these procurement requirements.

The Task Force strongly recommends that the OAL consider the lack of authority, as defined in Government Code 11349 (b), granted to CalRecycle to require local jurisdictions to procure specified minimum amounts of recovered organic waste products, when considering the regulations pursuant to Government Code 11349.1. Before approval, the proposed regulations must be revised to remove the procurement requirements.

5. The requirements on local jurisdictions in the Third Formal Draft are excessively prescriptive.

The draft regulations contradict Government Code 11340 (d) which states that "The imposition of prescriptive standards upon private persons and entities through regulations where the establishment of performance standards could reasonably be expected to produce the same result has placed an unnecessary burden on California citizens and discouraged innovation, research, and development of improved means of achieving desirable social goals." The draft regulations are highly prescriptive, and similar or better results may be achieved by the state establishing performance standards for jurisdictions and providing the necessary tools to achieve the standards, such as diversion credit for non-combustion thermal conversion technologies processing organic waste, to assist jurisdictions with meeting the performance standards (emphasis added).

The Task Force strongly believes that jurisdictions and regulated agencies would like to see the proposed regulations to be less prescriptive, more flexible, and less punitive, as well as to include reasonable timeframes for compliance. At the same time CalRecycle should focus state efforts on market development, technical support, including efforts to investigate emerging technologies leading to the development of new facilities and products, and funding for infrastructure.

The Task Force strongly recommends that the OAL consider the excessively prescriptive nature of the regulations which is not consistent (as defined by

Government Code 11349(d) with Government Code 11340 (d) when considering approving the regulations pursuant to Government Code 11349.1. Before approval, the regulations must be significantly revised to reduce the excessive requirements on local jurisdictions.

B. SPECIFIC COMMENTS

CALIFORNIA CODE OF REGULATIONS TITLE 14, DIVISION 7 CHAPTER 12: SHORT-LIVED CLIMATE POLLUTANTS (NEW)

GENERAL PROVISIONS

Section 18981.1. Scope of Chapter

1. Comment(s):

Pursuant to SB 1383 (2016), Subdivision 39730.6 (a) of the Health & Safety Code states “Consistent with Section 39730.5, methane emissions reduction goals shall include the following targets to reduce the landfill disposal of organics” by 50 percent from the 2014 level by 2020 and 75 percent by 2025, (emphasis added). However, this section fails to recognize that the said targets being referred to are based on organic waste “landfill” disposal reductions, and failure to indicate this fact causes confusion among regulated communities, governmental agencies, members of public and other stakeholders.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

(a) This chapter establishes the regulatory requirements for jurisdictions, generators, haulers, solid waste facilities, and other entities to achieve the organic waste landfill disposal reduction targets codified in Section 39730.6 of the Health and Safety Code and Chapter 13.1 of Division 30 of the Public Resources Code.

ARTICLE 1. DEFINITIONS

Section 18982. Definitions

2. Comment(s):

The container color requirements are not consistent for the different types of containers. The regulations specify that “blue containers” with a blue lid can have a body of any color, but does not specify the same allowance for brown, gray, and green containers.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

(5.5) “Brown container” means a container where either:

(A) The lid of the container is brown in color, **and the body of the container is any color.**

(28) "Gray container" means a container where either:

(A) The lid of the container is gray or black in color, and the body of the container is any color.

(29) "Green container" means a container where either:

(A) The lid of the container is green in color, and the body of the container is any color.

3. Comment(s):

(39.5) "Lifecycle greenhouse gas emissions or "Lifecycle GHG emission" - In reference to Section 18983.2 (a) (3), it is our understanding that the calculated greenhouse gas reduction of 0.30 MTCO₂e/short ton from composting organic waste is based on a modified assessment as documented in the Initial Statement of Reasons. For example, some factors such as the impact of greenhouse gas emission due to transportation of organic waste to distant facilities were omitted from analysis. We strongly believe that for the purpose of determination of technologies that constitute a reduction in landfill disposal, the impact of GHG emission from transportation need to be considered and the standard of 0.30 MTCO₂e/short ton of organic waste standard needs to be adjusted.

• Proposed Regulatory Text and Recommended Changes/Revisions:

(39.5) "Lifecycle greenhouse gas emissions" or "Lifecycle GHG emissions" means the aggregate quantity of greenhouse gas emissions (including direct and indirect emissions), related to the full lifecycle of the technology or process that an applicant wishes to have assessed as a possible means to reduce landfill disposal of organic waste. The lifecycle analysis of emissions includes all stages of organic waste processing and distribution, including collection from a recovery location, waste processing, delivery, use of any finished material by the ultimate consumer, ultimate use of any processing materials. The mass values for all greenhouse gases shall be adjusted to account for their relative global warming potential. However, for the purposes of Article 2 of these regulations, the aggregated quantity of greenhouse gas emissions shall not include emissions associated with other operations or facilities with processes that reduce short-lived climate pollutants, as that term is used in Article 2, that are similar to or consistent with those emissions that were excluded as the basis for developing the 0.30 MTCO₂e/short ton of organic waste standard.

4. Comment(s):

In regards to the definition of "Organic Waste" as defined in Paragraph (46), at CalRecycle's SB 1383 Public Workshop held at the South Coast Air Quality Management District on June 18, 2019, a member of the Task Force asked if "Organic Waste as defined includes Plastic?" to which Mr. Hank Brady responded "NO." Therefore, the definition of "Organic Waste" needs to be revised to exclude plastic products.

The definition of “organic waste” in the regulations conflicts with 14 CCR §18720, which defines “organic waste” as “solid wastes originated from living organisms and their metabolic waste products, and from petroleum, which contain naturally produced organic compounds, and which are biologically decomposable by microbial and fungal action into the constituent compounds of water, carbon dioxide, and other simpler organic compounds.” Because this definition of organic waste includes solid waste originating from petroleum, i.e. plastics, the regulations should clarify that plastics are not considered “organic waste.”

The “organic waste” definition as proposed in Paragraph 46 includes the phrase “organic textiles and carpets.” The proposed regulations do not define the phrase “organic textile and carpets” and the definition needs to be provided (emphasis added). Depending how the phrase is defined, placement of “organic textile and carpets” in green containers, contrary to provisions of the Section 18984.1 (a) (5) (A), must be allowed.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**
(46) “Organic waste” means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges. **“Organic waste” does not include non-compostable plastic products.**
(53.5) “Plastic products” means any non-hazardous and non-putrescible solid objects made of synthetic or semi-synthetic organic compounds.

5. Comment(s):

As a follow up to Specific Comment No. B.1, the proposed definition of “Organic waste disposal reduction target.” Section 18982 (47) is not consistent with provisions of Subdivision 39730.6. (a) of the Health & Safety Code.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**
(47) “Organic waste disposal reduction target” is the statewide target to reduce the **landfill** disposal of organic waste by 50 percent by 2020 and 75 percent by 2025, based on the 2014 organic waste disposal baseline, set forth in Section 39730.6 of the Health and Safety Code.

6. Comment(s):

The definition of “renewable gas” without any justifiable reason and/or scientifically supported analysis, is limited it to gas derived from in-vessel digestion of organic waste only. The regulations need to expand the definition of “renewable gas” to include gas derived from other technologies, including biomass conversion utilizing thermal conversion technologies such as gasification and pyrolysis, methane gas generated from municipal solid waste landfills since it is biogenic in origin, and any other technologies that are determined to **constitute a reduction in landfill disposal** pursuant to Section 18983.2. (emphasis added).

- Proposed Regulatory Text and **Recommended Changes/Revisions:**
(62) “Renewable Gas” means gas derived from ~~organic waste that has been diverted from~~ a landfill **or organic waste and** processed at an in-vessel digestion facility that is permitted or otherwise authorized by Title 14 to recover organic waste, **a biomass conversion facility that is permitted or otherwise authorized by Division 30 of the Public Resources Code to recycle organic waste, or any other process or technology that is subsequently deemed under section 18983.2 to constitute a reduction in landfill disposal.**

ARTICLE 2. LANDFILL DISPOSAL AND REDUCTIONS IN LANDFILL DISPOSAL

Section 18983.1. Landfill Disposal and Recovery

7. Comment(s):

SB 1383 requires the state to achieve specified targets to reduce the landfill disposal of organics. However, the regulations consider any disposition of organic waste not listed in Section 18983.1 (b) to be landfill disposal, including any thermal conversion technologies (CTs) besides biomass conversion. Public Resources Code (PRC) 40195.1 defines “solid waste landfill” as “a disposal facility that accepts solid waste for land disposal,” indicating that non-combustion thermal CTs which produce energy or fuels from solid waste rather than disposing solid waste on land should not be categorized as landfill disposal. The definition of “landfill” in Section 18983.1 (c) of these regulations contradicts PRC 40195.1. Section 18983.1 (c) defines “landfill” as “permitted landfills, landfills that require a permit, export out of California for disposal, or any other disposal of waste as defined by Section 40192 (c) of the Public Resources Code.” The definition of “export out of California for disposal” could potentially include thermal CTs, while the definition of “solid waste landfill” in PRC 40195.1 is clearly limited to land disposal only and does not include thermal CTs.

It is our understanding that thermal CTs are classified as landfill disposal due to concerns over their emissions. Although thermal CTs produce some limited emissions of greenhouse gases, dioxins, furans, volatile organic compounds, and criteria pollutants, these emissions do not have the multiplicative effects of methane emissions, which are 72 times more powerful than emissions of carbon dioxide in terms of atmospheric warming according to the California Air Resources Board. By replacing sources of fossil-based energy, thermal CTs actually reduce life-cycle methane emissions. Therefore, the regulations should not exclude any process or technology from being considered a reduction in landfill disposal, except for final deposition at a landfill or organic waste used as alternative daily cover, pursuant to Assembly Bill 1594 (Chapter 719 of the 2014 State Statutes).

- Proposed Regulatory Text and **Recommended Changes/Revisions:**
(a) The following dispositions of organic waste shall be deemed to constitute landfill disposal:

- (1) Final deposition at a landfill.
- (2) Use as Alternative Daily Cover or Alternative Intermediate Cover at a landfill.
 - (A) The use of non-organic material as landfill cover shall not constitute landfill disposal of organic waste.
 - ~~(3) Any other disposition not listed in subsection (b) of this section.~~

8. Comment(s):

In addition to anaerobic digestion and composting, biosolids and digestate can also be processed through gasification. Biosolids and digestate that are gasified produce biochar, an organic soil amendment. The Task Force recommends that CalRecycle include the land application of biochar produced from biosolids and digestate as a reduction of organic waste landfill disposal. The California Energy Commission's *2017 Integrated Energy Policy Report (2017 IEPR)* published on April 16, 2018, states that the gasification of biosolids to produce biochar is a revenue source to promote the development of renewable natural gas (RNG) projects, which will be needed if jurisdictions are to meet the requirements to procure RNG transportation fuel per Section 18993.1 (f)(2) of the proposed regulations.

• Proposed Regulatory Text and **Recommended Changes/Revisions:**

- (b) (6) Land application of compostable material, consistent with Section 17852 (a) (24.5) of this division is subject to the following conditions on particular types of compostable material used for land application:
 - (A) Green waste or green material used for land application shall meet the definition of Section 17852 (a) (21) and shall have been processed at a solid waste facility, as defined by Section 40194 of the Public Resources Code.
 - (B) Biosolids used for land application shall:
 1. Have undergone **anaerobic digestion or composting, any of the pathogen treatment processes** as defined in Part 503, Title 40 of the Code of Federal Regulations, Appendix B, **or gasification, as defined in Section 40117 of the Public Resources Code, to produce biochar, as defined in Section 14513.5. of the Food and Agriculture Code,** and,
 2. Meet the requirements in Section 17852 (a) (24.5) (B)(6) of this division for beneficial reuse of biosolids.
 - (C) Digestate used for land application shall:
 1. Have been anaerobically digested at an in-vessel digestion operation or facility, as described in 14 CCR sections 17896.8 through 17896.13 **or gasified, as defined in Section 40117 of the Public Resources Code, to produce biochar, as defined in Section 14513.5 of the Food and Agriculture Code;** and,
 2. Meet the land application requirements described in 14 CCR Section 17852 (a) (24.5) (A).
 3. Have obtained applicable approvals from the State and/or Regional Water Quality Control Board requirements.

Section 18983.2 Determination of Technologies that Constitute a Reduction in Landfill Disposal

9. Comment(s):

SB 1383, Section 42652 of the PRC reads as follows: “The Legislature finds and declares all of the following:

(a) The organic waste disposal reduction targets are essential to achieving the statewide recycling goal identified in Section 41780.01.

(b) Achieving organic waste disposal reduction targets require significant investment to develop organics recycling capacity.

(c) More robust state and local funding mechanisms are needed to support the expansion of organics recycling capacity.”

Based on the foregoing, it is clear that the Legislature and the Governor, as a part of the SB 1383 enactment, emphasized the need for development of alternative technology facilities beyond composting and anaerobic digestion technologies/facilities, upon which CalRecycle has heavily relied, while not placing sufficient emphasis on development of alternative technologies and even subjecting them to heavily restrictive standards that other methods and processes are not subjected to (such as land application). In doing so, the state has created a significant obstacle to development of facilities utilizing these technologies without a clear and scientifically substantiated justification. For example, Section 18983.2 (a) (3) states “To determine if the proposed operation counts as a permanent reduction in landfill disposal, the Department in consultation with CARB’s Executive Office shall compare the permanent lifecycle GHG emissions reduction of metric tons of carbon dioxide equivalent (MTCO₂e) per short ton organic waste reduced by the process or technology, with the emissions reduction from *composting* organic waste (0.30 MTCO₂e/short ton organic waste).” (*emphasis added*). To be consistent with requirements of PRC Section 42652 and technically correct, the analysis should be made in comparison to “landfilling” and not “composting.” The Task Force would like to emphasize that the SB 1383 mandates reduction of organic waste disposal in landfills and not any other type of facilities such as those utilizing conversion technology, (*emphasis added*).

The regulations state that the Department shall provide a response to all applicants requesting verification of new technologies that constitute a reduction in landfill disposal within 180 days. The regulations should be revised so that if the Department fails to provide a response, the application is considered approved and verified as a technology that constitutes a reduction in landfill disposal.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

(2) The Department shall consult with the Executive Officer of the California Air Resources Board to evaluate if the information submitted by the applicant is sufficient to estimate the greenhouse gas emissions and permanent lifecycle GHG emissions reduction of the proposed recovery process or operation. Within 30 days

of receiving the application, the Department shall inform the applicant if they have not submitted sufficient information to estimate the greenhouse gas emissions and permanent lifecycle greenhouse gas emissions reductions associated with the proposed recovery process or operation. For further consideration of any application submitted without sufficient information, the applicant is required to submit the requested information. The Department shall provide a response to the applicant within 180 days of receiving all necessary information as to whether or not the proposed recovery process or operation results in a permanent reduction in greenhouse gas emissions, and therefore counts as a reduction in landfill disposal. If the Department fails to provide a response to the applicant within 180 days of receiving all necessary information, the application shall be considered approved and the proposed recovery process or operation shall count as a reduction in landfill disposal.

10. Comment(s):

In Section 18982 (56.5), “project baseline” in the context of greenhouse gas (GHG) emission reduction is defined as the amount of GHGs that would result from landfill disposal of organic waste. Section 18983.2. (a) (3) requires technologies applying for consideration as a reduction in landfill disposal to demonstrate permanent lifecycle GHG emissions reduction compared to composting, not landfill disposal. Section 18983.2 should be revised for consistency with the definition of “project baseline.”

- Proposed Regulatory Text and Recommended Changes/Revisions:

(3) To determine if the proposed operation counts as a permanent reduction in landfill disposal, the Department, in consultation with CARB’s Executive Office shall compare the permanent lifecycle GHG emissions reduction of metric tons of carbon dioxide equivalent (MTCO_{2e}) per short ton organic waste reduced by the process or technology, with the emissions reduction from composting organic waste (0.30 MTCO_{2e}/short ton organic waste). The Department shall only deem a proposed operation to constitute a reduction in landfill disposal if the process or technology results in a permanent reduction in lifecycle greenhouse gas emissions compared to the project baseline. equal to or greater than the 0.30 MTCO_{2e}/short ton of organic waste.

ARTICLE 3. ORGANIC WASTE COLLECTION SERVICES

Section 18984.1. Three-container Organic Waste Collection Services.

11. Comment(s):

Facilities should only be required to notify jurisdictions once whether they can process and recover compostable plastics. Subsequently, facilities should be required to notify jurisdictions within 30 days only if their ability to process and recover compostable plastics changes. The same changes should be applied to Section 18984.2. Two-container Organic Waste Collection Services.

- Proposed Regulatory Text and Recommended Changes/Revisions:
(A) Compostable plastics may be placed in the green container if the material meets the ASTM D6400 standard for compostability and the contents of the green containers are transported to compostable material handling operations or facilities or in-vessel digestion operations or facilities that have provided written notification **annually** to the jurisdiction stating that the facility can process and recover that material. The facility that ceases capability to process and recover compostable plastics shall provide written notice to the jurisdiction within 30 days of the cessation.

12. Comment(s):

Facilities should only be required to notify jurisdictions once whether they can process and remove plastic bags when recovering source-separated organic waste. Subsequently, facilities should be required to notify jurisdictions within 30 days only if their ability to process and remove plastic bags changes. The same changes should be applied to Section 18984.2. Two-container Organic Waste Collection Services.

- Proposed Regulatory Text and Recommended Changes/Revisions:
(d) A jurisdiction may allow organic waste to be collected in plastic bags and placed in the green container provided that the allowing the use of bags does not inhibit the ability of the jurisdiction to comply with the requirements of Section 18984.5, and the facilities that recover source separated organic waste for the jurisdiction **annually** provide written notice to the jurisdiction indicating that the facility can process and remove plastic bags when it recovers source separated organic waste. The facility that ceases capability to process and remove plastic bags when it recovers source separated organic waste shall provide written notice to the jurisdiction within 30 days of the cessation.

Section 18984.9. Organic Waste Generator Requirements.

13. Comment(s):

Pursuant to Paragraph (1) of Subsection (b), commercial businesses that generate organic waste are required to provide containers for the collection of “organic waste” and “non-organic recyclables” in all areas where disposal containers are provided for customers. While the Task Force is not opposed to placement of containers for collection of “non-organic recyclables,” the Task Force questions the authority of CalRecycle under the provisions of SB 1383.

14. Comment(s):

Generators that are commercial businesses are not required to provide organic waste collection containers in restrooms. However, the definition of “organic waste” in Section 18982 (a) (46) includes “paper products.” “Paper products” are defined in Section 18982 (a) (51) to include paper janitorial supplies, tissue, and toweling.

Therefore, the Task Force requests clarification from CalRecycle on whether paper products generated in the restroom of a commercial business are required to be diverted through any of the activities listed in Section 18983.1 (b) and whether a commercial business or a jurisdiction could be penalized for disposing paper products generated in the restroom of commercial business.

Section 18984.12. Waivers and Exemptions Granted by the Department

15. Comment(s):

There are numerous areas of Los Angeles County with elevations around 1,000 feet above sea level or higher that experience significant issues with bears and other wild animals scavenging for food in trash cans. CalRecycle should consider authorizing the Department of Fish and Wildlife to grant elevation waiver extensions for areas at elevations lower than 4,500 feet above sea level that experience similar challenges to food waste collection.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

- (d) Elevation Waivers:

- (1) A jurisdiction may apply to the Department for a waiver for the jurisdiction and some or all of its generators from the requirement to separate and recover food waste and food soiled paper if ~~the entire~~ a portion of the jurisdiction is located at or above an elevation of 4,500 feet. A jurisdiction may apply to the Department of Fish and Wildlife for a waiver for the jurisdiction and some or all of its generators from the requirement to separate and recover food waste and food soiled paper if a portion of the jurisdiction is located at or above an elevation of 1,000 feet and below an elevation of 4,500 feet.

- (2) A jurisdiction may apply to the Department for a waiver for some or all of its generators from the requirement to separate and recover food waste and food soiled paper in census tracts located in unincorporated portions of a county that are located at or above 4,500 feet. A jurisdiction may apply to the Department of Fish and Wildlife for a waiver for some or all of its generators from the requirement to separate and recover food waste and food soiled paper in census tracts located in unincorporated portions of the county if portions of the census tracts are located at or above an elevation of 1,000 feet and below an elevation of 4,500 feet.

16. Comment(s):

This section does not recognize the good faith efforts of a jurisdiction to comply with the provisions of this chapter but that is unable to fully comply due to circumstances beyond its control. Provisions need to be provided for good faith efforts.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

- (e) Nothing in this section exempts a jurisdiction from:

- (1) Its obligation to provide organic waste collection services that comply with the requirements of this article to businesses subject to the requirements of

Section 42649.81 of the Public Resources Code, although the Department may grant waivers and/or extensions to any jurisdiction that has made good faith efforts to comply with the requirements of this article but has been unable to comply due to circumstances outside its control.

Note: Please see General Comment No. A. 3 and Specific Comment No. B. 25 on Article 15, Section 18996.2, "Department Enforcement Action Over Jurisdiction."

Section 18984.13. Emergency Circumstances, Abatement, and Quarantined Materials

17. Comment(s):

The Task Force believes that the regulations should not require jurisdictions to separate or recover organic waste discarded in publicly-accessible waste bins, such as at public parks and beaches, to protect public health and safety. It may be very difficult to prevent the public from placing prohibited container contaminants in public organic waste collection bins. Furthermore, public organic waste collection bins may encourage scavenging practices, posing significant public health and safety issues in urban jurisdictions such as Los Angeles County.

The waivers in this section allow organic waste removed from homeless encampments or illegal disposal sites and organic waste subject to quarantine to be disposed to protect public health and safety. The regulations should clarify that any organic waste subject to these waiver exemptions that is disposed will not count toward jurisdiction waste disposal calculated for compliance with Assembly Bill 939 (1989) and any future waste disposal reduction or waste diversion compliance mandates.

In addition, local county agricultural commissioners have delegated authority from the California Department of Food and Agriculture (CDFA) to regulate quarantined waste. Therefore, the regulations should be revised to allow jurisdictions to receive the necessary approvals from local county agricultural commissioner's instead of the CDFA to dispose of specific types of organic waste that are subject to quarantine.

• Proposed Regulatory Text and **Recommended Changes/Revisions:**

(c) A jurisdiction is not required to separate or recover organic waste that is removed from homeless encampments, and illegal disposal sites, and publicly-accessible waste receptacles at beaches, parks, or other similar facilities as part of an abatement activity to protect public health and safety. If the total amount of solid waste removed for landfill disposal from homeless encampments and illegal disposal sites pursuant to this subdivision is expected to exceed 100 tons annually the jurisdiction shall record the amount of material removed. The Department shall not count any organic waste that is removed from homeless encampments and illegal disposal sites and subsequently disposed toward jurisdiction waste disposal for compliance with any existing or future state waste disposal reduction and/or waste diversion compliance mandates pursuant to Sections

39730.5 and 39730.6 of the Health & Safety Code, and/or the California Integrated Waste Management Act of 1989.

(d) A jurisdiction may dispose of specific types of organic waste that are subject to quarantine and meet the following requirements:

- (1) The organic waste is generated from within the boundaries of an established interior or exterior quarantine area defined by the California Department of Food and Agriculture for that type of organic waste.
- (2) The California Department of Food and Agriculture or the County Agricultural Commissioner determines that the organic waste must be disposed at a solid waste landfill and the organic waste cannot be safely recovered through any of the recovery activities identified in Article Two of this chapter.
- (3) The jurisdiction retains a copy of the California Department of Food and Agriculture **or the County Agricultural Commissioner** approved compliance agreement for each shipment stating that the material must be transported to a solid waste landfill operating under the terms of its own compliance agreement for the pest or disease of concern.

(4) The Department shall not count any organic waste subject to quarantine that is disposed toward jurisdiction waste disposal for compliance with any existing or future state waste disposal reduction and/or waste diversion compliance mandates pursuant to the Health & Safety Code, Sections 39730.5 and 39730.6. and/or the California Integrated Waste Management Act of 1989.

Subsection (f) should be renumbered to **Subsection (e).**

ARTICLE 8. CAL GREEN BUILDING STANDARDS AND MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO)

18. Comment(s):

The Task Force respectfully disagree with including requirements of this Article as stated in the proposed Sections 18989.1 and 18989.2 of the proposed regulations, and recommends this Article be deleted in its entirety for the following reasons:

- Inclusion of the enforcement of the CALGreen standards in the proposed regulations will cause duplication and enforcement confusion with those specified in Articles 14, 15, and 16 of the proposed regulations. Building standards are issued by the Building Standards Commission, implemented and enforced by local Building Departments, and are not subject to the authority of CalRecycle.

- Similarly, inclusion of this requirement in the proposed regulations will cause unnecessary regulatory duplication and confusion. Jurisdictions/water purveyors are already required to adopt Model Water Efficient Landscape Ordinance (MWELO) with enforcement mechanism that are different than enforcement mechanism called for in Articles 14, 15 and 16 of the proposed regulations. Additionally, implementation of MWELOs are not subject to the authority of CalRecycle.

ARTICLE 12. PROCUREMENT OF RECOVERED ORGANIC WASTE PRODUCTS

Section 18993.1. Recovered Organic Waste Product Procurement Target

19. Comment(s):

For the purpose of this Article, and consistent with General Comment No. A.1, the discussion and the procurement targets need to be expanded to include appropriate provisions for compliance by “local education agency” (such as school districts, etc.) and “non-local entities” (such as state agencies, public universities, community colleges, etc.) as further defined in Sections 18982 (a) (40) & (42), respectively.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

(a) Except as otherwise provided, commencing January 1, 2022, a jurisdiction shall ~~§~~ annually procure a quantity of recovered organic waste products that meets or exceeds ~~§~~ its current annual recovered organic waste product procurement target as determined ~~40~~ by this article. For the purposes of this **section article**, “jurisdiction” means a city, a county, ~~or~~ a city and county, **a local education agency or a non-local entity.**

20. Comment(s):

The per capita procurement target was increased from 0.07 to 0.08 tons of organic waste per California resident per year. The Amendment to the Original January 2019 Initial Statement of Reasons (ISOR) was not updated to explain why the per capital procurement target is now 0.08 tons per resident per year. The ISOR should be updated to provide a justification for the increase in the procurement target, or the regulations should be revised to change the procurement target back to 0.07 tons per resident per year.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

(c) Each jurisdiction’s recovered organic waste product procurement target shall be calculated by multiplying the per capita procurement target by the jurisdiction population where:

(1) Per capita procurement target = **0.07** ~~0.08~~ tons of organic waste per California resident per year.

21. Comment(s):

The recovered organic waste products that a jurisdiction may procure to satisfy its procurement requirements should be expanded to include all recovered organic waste products from composting, anaerobic digestion, biomass conversion, and all other technologies determined to constitute a reduction in organic waste landfill disposal. For example, the Task Force recommends that the procurement of all organic waste products produced from biomass conversion, such as renewable gas used for transportation fuel and heating and not limited to electricity only should also satisfy a jurisdiction's procurement target. Please also refer to specific comment 4 on Section 18982 which recommends that the regulations expand the definition of "renewable gas" to include gas derived from other technologies, including biomass conversion utilizing thermal conversion technologies such as gasification and pyrolysis.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

(f) For the purposes of this article, the recovered organic waste products that a jurisdiction may procure to comply with this article are:

- (1) Compost, subject to any applicable limitations of Public Contract Code Section 22150, that is produced at:
 - (A) A compostable material handling operation or facility permitted or authorized under Chapter 3.1 of this Division; or
 - (B) A large volume in-vessel digestion facility as defined and permitted under Chapter 3.2 of this Division that compost on-site. [NOTE: Digestate, as defined in Section 18982 (a) (16.5), is a distinct material from compost and is thus not a recovered organic waste product eligible for use in complying with this Article.]
- (2) Renewable gas used for fuel for transportation, electricity, or heating applications.
- (3) Electricity **and/or renewable gas** from biomass conversion
- (4) Mulch, provided that the following conditions are met for the duration of the applicable procurement compliance year:
 - (A) The jurisdiction has an enforceable ordinance, or similarly enforceable mechanism, that requires the mulch procured by the jurisdiction to comply with this article to meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in Section 17852(a)(24.5)(A)(1) through (3) of this division; and
 - (B) The mulch is produced at one or more of the following:
 1. A compostable material handling operation or facility as defined in Section 17852(a)(12), other than a chipping and grinding operation or facility as defined in Section 17852(a)(10), that is permitted or authorized under this division; or
 2. A transfer/processing facility or transfer/processing operation as defined in Section 17402(a)(30) and (31), respectively, that is permitted or authorized under this division; or

3. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under Division 2 of Title 27 of the California Code of Regulations.
- (g) The following conversion factors shall be used to convert tonnage in the annual recovered organic waste product procurement target for each jurisdiction to equivalent amounts of recovered organic waste products:
- (1) One ton of organic waste in a recovered organic waste product procurement target shall constitute:
 - (A) 21 diesel gallon equivalents, or “DGE,” of renewable gas in the form of transportation fuel.
 - (B) 242 kilowatt-hours of electricity derived from renewable gas
 - (C) 22 therms for heating derived from renewable gas
 - (D) 650 kilowatt-hours of electricity, **21 DGE of renewable gas in the form of transportation fuel, or 22 therms for heating** derived from biomass conversion
 - (E) 0.58 tons of compost, or 1.45 cubic yards of compost.
 - (F) One ton of mulch.

ARTICLE 14. ENFORCEMENT REQUIREMENTS

22. Comment(s):

For the purpose of this Article, include a section to stipulate appropriate provisions and identify/specify the entity that would be responsible to measure compliance {i.e. take enforcement action(s)} of non-local entities, federal agencies/facilities, and local education agencies with appropriate requirements of this Article. Although a local jurisdiction may educate non-local entities, federal agencies/facilities, universities/colleges and local education agencies (community colleges and school districts) of the requirements of this chapter, a local jurisdiction does not have the authority to enforce compliance on non-local entities, federal agencies/facilities, and local education agencies.

Section 18995.1. Jurisdiction Inspection and Enforcement Requirements

23. Comment(s):

This section refers to “solid waste collection accounts” for commercial businesses for which the jurisdiction must complete a compliance review. The regulations should define the term “solid waste collection accounts” in Section 18982 for clarity to allow jurisdictions to satisfy this requirement.

Section 18995.4. Enforcement by a Jurisdiction

24. Comment(s):

The regulations have been modified to remove the provision stating that jurisdictions are not required to seek penalties for a violation of the container contamination requirements. Section 18997.2 (a) states that a jurisdiction shall impose monetary

penalties for violations of the requirements of this chapter. Section 18984.9 (a) (1) requires organic waste generators, including residents and commercial businesses, to comply with the requirements of the organic waste collection service provided by their jurisdiction. Section 18984.9 (b) (2) requires commercial businesses to prohibit employees from placing organic waste in a container not designed to receive organic waste. Therefore, it can be concluded that the regulations will require local jurisdictions to impose monetary penalties on residents, commercial businesses, and other organic waste generators for container contamination. Inspecting containers for contamination and imposing penalties will not effectively reduce contamination because it is not feasible to inspect all containers on a regular basis, nor will the penalties reimburse local jurisdictions for the resources needed to inspect containers, impose penalties, and maintain a record of enforcement actions. Jurisdictions should focus their resources on educating all generators on the requirements of organic waste collection services provided by their jurisdiction instead of imposing penalties for container contamination.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**
(d) A jurisdiction, subject to having appropriate authority pursuant to provision of this article, may, but is not required to, seek penalties pursuant to this section for a violation of the container contamination requirements authorized by Section 2 18984.5(b)(3).

ARTICLE 15. ENFORCEMENT OVERSIGHT BY THE DEPARTMENT

Section 18996.2. Department Enforcement Action Over Jurisdictions

25. Comment(s):

For the purpose of this Article, and consistent with General Comment No. A.3, the implementation of the Department enforcement oversight must provide for “good faith efforts,” and the enforcement oversight in regard to state agencies, “local education agencies” and “non-local entities” need to be expanded to be at a minimum equal to those imposed on a city, a county or a city and county as stipulated in Section 18996.2 with appropriate provisions for the “good faith efforts”, (emphasis added).

- Proposed Regulatory Text and **Recommended Changes/Revisions:**
(a) If the Department finds that a jurisdiction **is violating is not in compliance with one or more of the requirements of this chapter, then the Department shall confer with the jurisdiction regarding the intent to issue a Notice of Violation, with a first conferring meeting to identify and discuss deficiencies occurring not less than 60 days before issuing a Notice of Violation. The Department shall also issue a Notice of Intent to issue a Notice of Violation not less than 30 days before the Department holds a hearing to issue the Notice of Violation. The Notice of Intent shall specify all of the following:**

(1) The proposed basis for issuing a Notice of Violation.

(2) The proposed actions the Department recommends that are necessary to insure compliance.

(3) The jurisdiction proposed recommendations to the Department.

(b) The Department shall consider any information provided by the jurisdiction pursuant to subdivision (c) of Section 41821 of the Public Resources Code.

(c) If, after holding a public hearing, which, to the extent possible, shall be held in the local or regional agency's jurisdiction, and after considering the good faith efforts of a jurisdiction, as specified in subdivision 41825(e) of the Public Resource Code, the Department finds that a jurisdiction has failed to make a good faith effort to implement programs identified in this chapter, the Department may take the following actions:

(1) Issue a Notice of Violation requiring compliance within 90 days of the date of issuance of that notice. The Department may grant an extension up to a total of 180 days from the date of issuance of the Notice of Violation if it finds that additional time is necessary for the jurisdiction to comply.

(2) The Department may extend the deadline for a jurisdiction to comply beyond the maximum compliance deadline allowed in Subdivision (c) (1) by issuing a Corrective Action Plan setting forth the actions a jurisdiction shall take to correct the violation(s). A Corrective Action Plan may be issued if the Department finds that additional time is necessary for the jurisdiction to comply and the jurisdiction has made a substantial effort to meet the maximum compliance deadline but extenuating circumstances beyond the control of the jurisdiction make compliance impracticable. The Department shall base its finding on available evidence, including relevant evidence provided by the jurisdiction.

(A). If a jurisdiction is unable to comply with the maximum compliance deadline allowed in Subdivision (a c) (1) due to deficiencies in organic waste recycling capacity infrastructure or other extenuating circumstances beyond the control of the jurisdiction, such as inability of state or federal facilities to reduce organic wastes, the Department may issue a Corrective Action Plan for such violations upon making a finding that:

1. Additional time is necessary for the jurisdiction to comply;
2. The jurisdiction has provided organic waste collection to all hauler routes where it is practicable and the inability to comply with the maximum compliance deadline in Subdivision (a c) (1) is limited to only those hauler routes where organic waste recycling capacity infrastructure deficiencies or other extenuating circumstance beyond the control of the jurisdiction has have caused the jurisdiction to violate the

requirements of this chapter provision of organic waste collection service to be impracticable.

3. The Department ~~may~~ **must** consider implementation schedules developed by jurisdictions, as described in Article 11 of this chapter, for purposes of developing a Corrective Action Plan ~~but and~~ shall not ~~be restricted in mandating mandate~~ actions to remedy violation(s) ~~and or developing develop~~ applicable compliance deadline(s) ~~to those that are unreasonable or inconsistent with the actions and timelines~~ provided in the Implementation Schedule.

(B) For the purposes of this section, “substantial effort” means that a jurisdiction has taken all practicable actions to comply. Substantial effort does not include circumstances where a decision-making body of a jurisdiction has not taken the necessary steps to comply with the chapter, including, but not limited to, a failure to provide adequate staff resources to meet its obligations under this chapter, a failure to provide sufficient funding to ensure compliance, or failure to adopt the ordinance(s) or similarly enforceable mechanisms under Section 18981.2.

(C) For the purposes of this section, “extenuating circumstances” are:

1. Acts of God such as earthquakes, wildfires, mudslides, flooding, and other emergencies or natural disasters.
2. Delays in obtaining discretionary permits or other government agency approvals.

~~2~~ **3.** An organic waste recycling infrastructure capacity deficiency requiring more than 180 days to cure

(3) A Corrective Action Plan shall be issued by the Department ~~with a maximum compliance deadline no more than~~ within 24 months from the date of the original Notice of Violation and shall include a description of each action the jurisdiction shall take to remedy the violation(s) and the applicable compliance deadline(s) for each action. The Corrective Action Plan shall describe the penalties that may be imposed if a jurisdiction fails to comply.

(4) An initial Corrective Action Plan issued due to inadequate organic waste recycling infrastructure capacity may be extended for ~~up to 12 months a~~ reasonable period if the Department finds that the jurisdiction has demonstrated substantial effort.

ARTICLE 16. ADMINISTRATIVE CIVIL PENALTIES FOR VIOLATIONS OF REQUIREMENTS OF THIS CHAPTER

Section 18997.2. Penalty Amounts

26. Comment(s):

The regulations should allow jurisdictions to provide hardship waivers to certain generators, property owners, or business owners to reduce the financial burden of the

penalties. The hardship waivers would not in any way exempt a regulated generator, property owner, or business owner from subscribing to organic waste collection services and would only provide a partial or whole exemption from paying a financial penalty. The criteria for granting hardship waivers would be developed by local jurisdictions and approved by the Department.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

(a) A jurisdiction shall impose penalties for violations of the requirements of this chapter consistent with the applicable requirements prescribed in Government Code Sections 53069.4, 25132 and 36900. The penalty levels shall be as follows:

(1) For a first violation, the amount of the base penalty shall be \$50-\$100 per offense.

(2) For a second violation, the amount of the base penalty shall be \$100-\$200 per offense.

(3) For a third or subsequent violation, the amount of the base penalty shall be \$250-\$500 per offense.

(4) For any first, second, third, or subsequent violations, a generator, property owner, or business owner may request a financial hardship waiver from the jurisdiction imposing the penalty.

Section 18997.3. Department Penalty Amounts

27. Comment(s):

The proposed penalty assessment criteria for “minor,” “moderate,” and “major” violations as specified in Subsections (b) (1-3) is extremely vague and may unintentionally result in penalties being imposed inconsistently between various jurisdictions for similar violations. This section should be revised to specify which “aspects” of the requirements will be considered “minimal” compared to “critical” or “substantial.”

28. Comment(s):

The intent of Subsection 18997.3 (d) is unclear. The Task Force assumes that the intent is to provide a mechanism to apply partial fines on a jurisdiction for not meeting the full procurement target of the proposed regulations. However, this needs to be clarified in order to avoid the misperception that the regulation is establishing a daily procurement target/expectation (emphasis added). It is unreasonable to expect that jurisdictions purchase organic waste byproducts (fuel, RNG, compost, etc.) on a daily basis and thus CalRecycle needs to establish a daily penalty if a jurisdiction fails to meet its expected/calculated daily procurement target. Additionally, due to lack of adequate infrastructure, we believe that the subject proposal should be deleted until sometime in the future pending market and infrastructure development. As an alternative, CalRecycle can consider the following:

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

(d) For violations of the Recovered Organic Waste Product Procurement requirements in Section 18993.1, where a jurisdiction fails to procure a quantity of recovered organic waste products that meets or exceeds its **annual** recovered organic waste product procurement target, the Department shall determine penalties based on the following:

(1) The Department shall calculate the jurisdictions **daily annual** procurement target equivalent for **each jurisdiction. by dividing the procurement target by 365 days.**

(2) The Department shall determine **each jurisdiction's annual the number of days a jurisdiction was in compliance with the annual procurement target by dividing the total amount of recovered organic waste products procured by the daily procurement target equivalent.**

(3) The Department shall determine the number of days a jurisdiction was out of compliance with the procurement target by subtracting the number of days calculated in (2) from 365 days.

(4-3) The penalty amount shall be calculated by determining an penalty range based on the factors in Subdivision (c), above., and multiplying that number by the number of days determined according to subsection (e)(3), above.
The penalty amount shall not exceed \$10,000 per **day year**.

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.

Ms. Ashley Yee
October 16, 2019
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We respectfully request CalRecycle to address these comments, concerns, and recommendations in the next version of the proposed regulations. 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
Mayor, City of Rosemead

KW:cso

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cc: CalRecycle (Howard Levenson, Mark de Bie, Cara Morgan, Hank Brady, Georgianne Turner, Chris Bria, Marshalle Graham, and Gwen Huff)
California Air Resources Board (Mary Nichols and David Mallory)
California Department of Fish and Wildlife (Chuck Bonham)
California Department of Food and Agriculture (Secretary Karen Ross)
California Department of Public Health (Director Karen Smith)
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
Los Angeles County Agricultural Commission
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
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 and Plan Review Subcommittee