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LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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September 12, 2017

Mr. Scott Smithline, Director
California Department of Resources Recycling and Recovery (CalRecycle)
P.O. Box 4025
Sacramento, CA 95812-4025

Dear Mr. Smithline:

**COMMENTS ON THE INFORMAL RULEMAKING STAKEHOLDER WORKSHOP FOR
SB 1383 SHORT-LIVED CLIMATE POLLUTANTS (SLCP)**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to express our appreciation to the California Department of Resources Recycling and Recovery (CalRecycle) for providing the opportunity to comment on the Informal Rulemaking Stakeholder Workshops for Senate Bill 1383 (Lara, Chapter 395 of the 2016 State Statutes) Short-Lived Climate Pollutants (SLCP) addressing "Reporting Concepts" and "Compliance and Enforcement Concepts." The Workshops were held in Sacramento on August 16 and in Riverside on August 31, 2017. These comments will also be submitted through the online commenting form.

<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=2158&aiid=1964>
<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=2159&aiid=1965>

The Task Force remains concerned about concepts presented in previous workshops and would like to reiterate its previous comments, which are in the enclosed letter. The Task Force would appreciate CalRecycle's consideration of its previous comments as well as the following comments on the August workshops as part of the SB 1383 SLCP Rulemaking Process:

I. GENERAL COMMENTS:

1. CalRecycle should provide stakeholders with a complete and detailed "Cost-Benefit" study of the proposed regulations which needs to include state and local governments' staffing costs as well as those of the private sector. The draft Cost-Benefit study should be conducted in a timely manner to provide stakeholders with an opportunity to review and provide comments on the document in concert with the proposed draft regulations.
2. The Task Force strongly recommends that state and local governments' staffing costs to implement the SB 1383 regulations be funded by Cap and Trade

revenues generated from Assembly Bill 32 (Nunez, Chapter 488 of the 2006 State Statutes) and Senate Bill 32 (Pavley, Chapter 249 of the 2016 State Statutes).

3. The proposed regulations need to be very clear that these requirements are also applicable at a minimum to all federal, state/regional agencies, federal and state court systems, universities, colleges, community colleges, and school districts. CalRecycle should be the lead agency to ensure that the foregoing entities comply with the said regulations. CalRecycle should also ensure that cities and counties have no legal responsibility for the monitoring of these entities unless, at its sole discretion, a local jurisdiction assumes responsibility for monitoring compliance by the said entities at the State's cost.
4. The regulatory concepts identify information and data that CalRecycle deems critical to monitor the effectiveness of these regulatory programs and/or measure progress toward achieving the 50 percent and 75 percent mandate, the 20 percent edible food rescue mandate, and the SLCP emissions reductions. There is an emphasis on extensive data collection and reporting, which would reverse the direction established under SB 1016 (Wiggins, Chapter 343 of 2008 State Statutes) to move away from an emphasis on numerical reporting to focusing more on program implementation efforts. To ensure compliance with the applicable requirements of SB 1383, CalRecycle should avoid, to the greatest extent possible, imposing resource-intensive reporting requirements that create significant costs for industry, as well as State and local governments.
5. The Task Force strongly recommends that the data collected under the regulations pursuant to AB 901 (Gordon, Chapter 746 of 2015 State Statutes) be used to ensure local government compliance in concert with implementation of organic waste recycling programs.
6. The draft regulations should include paper reduction as well as source reduction efforts as a part of compliance with SB 1383.
7. Jurisdictional penalty – At the August 31st workshop, CalRecycle staff made an indirect reference to the imposition of penalties on jurisdictions like those in existence for Assembly Bill 939 (Sher, Chapter 1095 of 1989 State Statutes) (i.e. a possible penalty of \$10,000 per day). The Task Force would like to receive written clarification from CalRecycle on whether and under what State authority such penalties would be imposed.
8. The Task Force respectfully requests that CalRecycle provide a detailed description of the methodology or available data to be used to quantify the amount of “edible food” disposed statewide during the stipulated SB 1383 “base year.”

II. EDIBLE FOOD RECOVERY:

1. Local Jurisdiction Concepts:

- a. CalRecycle should not impose overly stringent requirements on jurisdictions that may make it more difficult to achieve the edible food recovery goal. CalRecycle should identify funding and develop tools or incentives to assist jurisdictions that have limited resources to develop edible food recovery programs for the large edible food generators.

2. Food Recovery Organization Requirements

- a. CalRecycle, the California Air Resources Board, and other appropriate State agencies (California Department of Food and Agriculture, etc.) should incentivize food recovery before imposing regulations and requirements on food recovery organizations or local agencies. Many organizations have established or are establishing robust food recovery efforts and the new regulations should not hinder these efforts.

3. Additional Issues to Consider

- a. CalRecycle, in conjunction with all other appropriate State and Regional agencies, should clarify who is responsible for determining if recovered food is edible and should be donated. In addition, these agencies need to develop appropriate regulations and monitoring programs to ensure public health and safety as well as the environment.

III. REPORTING:

- 1. Please see General Comments, Items 1 – 8.

IV. COMPLIANCE AND ENFORCEMENT:

- 1. Please see General Comments, Items 1 – 8 with special emphasis on Item No. 7

2. Potential Compliance and Enforcement Structure:

- a. Slide 33: The California Department of Food and Agriculture (CDFA) and the California Department of Public Health (CDPH) should also be given oversight roles. The CDFA should be included in the oversight of organic waste processing facilities and the CDPH should be included in the oversight of the development of edible food recovery guidelines, tools, or incentives.

- b. Slide 18: CalRecycle should provide a comparison (in table format) between SB 1383 reporting requirements and those of AB 939, as amended, AB 341 (Chesbro, Chapter 476 of the 2011 State Statutes), and AB 1826 (Chesbro, Chapter 727 of the 2014 State Statutes) reporting requirements. Again, the SB 1383 implementing regulations should place more emphasis on program development and implementation rather than numerical and extensive reporting requirements.

3. Exemptions and Alternative Compliance Models

- a. Slide 44: Factors to Consider – Please expand the list to include a jurisdiction with essentially residential developments vs. one of an industrial development.

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], as amended), 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.

We respectfully request CalRecycle to address these questions, concerns, and recommendations in the next stakeholder workshop and any upcoming draft 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
Council Member, City of Rosemead

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cc: CalRecycle (Howard Levenson, Mark de Bie, Cara Morgan, Hank Brady,

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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 (Carmen Ramirez, Linda Parks,
and Tess Rey-Chaput)
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County 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

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