

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

Minutes of September 17, 2009

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

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Gail Farber, represented by Carlos Ruiz, County of Los Angeles Department of Public Works
Dr. Jonathan Fielding, rep. by Pete Oda, County of Los Angeles Department of Public Health
Stephen Maguin, rep. by Charles Boehmke, County Sanitation Districts of Los Angeles County
Gerry Miller, represented by Charles Modica, City of Los Angeles
Enrique Zaldivar, represented by Karen Coca, City of Los Angeles Bureau of Sanitation

COMMITTEE MEMBERS NOT PRESENT:

Carl Clark, Institute of Scrap Recycling Industries, Inc.
Margaret Clark, League of California Cities-Los Angeles Division
Michael Conway, City of Long Beach
David Kim, City of Los Angeles
Sam Perdomo, Business/Commerce Representative
Greig Smith, City of Los Angeles
Dr. Barry Wallerstein, South Coast Air Quality Management District

OTHERS PRESENT:

Chuk Agu, County of Los Angeles Department of Public Works
Russell Bukoff, County of Los Angeles Department of Public Works
John Bodenchak, County of Los Angeles Department of Public Works
Allan Chan, County of Los Angeles Department of Public Works
Rogelio Gamiño, County of Los Angeles Department of Public Works
Rafael Garcia, BFI/Republic
John Hsia, Waste Management
Natalia Jimenez, County of Los Angeles Department of Public Works
Mistie Joyce, City of Los Angeles
Darrell Kato, Waste Management
Peter Kokiousis, Remediation Earth
Virginia Maloles, County of Los Angeles Department of Public Works
Tobie Mitchell, County of Los Angeles Department of Public Works
Mark Patty, City of Santa Clarita
Coby Skye, County of Los Angeles Department of Public Works
Nicole Smith, The Katherman Company
Wu Tan, County of Los Angeles Department of Public Works
Steve Uselton, CIWMB
Neonika Walker, County of Los Angeles Department of Public Works
Suzanne Whitney, Smurfit

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES OF AUGUST 20, 2009

A motion was made to approve the minutes of August 20, 2009. The motion passed unanimously. Ms. Karen Coca was absent at the time the vote was taken.

III. REPORT FROM THE FACILITY AND PLAN REVIEW SUBCOMMITTEE

Ms. Betsey Landis reported that the Subcommittee met earlier in the day and considered an amendment to add six facilities to the City of Los Angeles' Non-Disposal Facility Element (NDFE). The Subcommittee moved to concur with staff recommendations, as amended, to approve the amendment to the City's NDFE. The Subcommittee suggested that the City of Los Angeles work with the owners/operators of unenclosed facilities near major drainage on ways of covering and confining materials onsite during periods of inclement weather such as wind and rain.

A motion was made to approve the amendment to the City of Los Angeles' NDFE. The motion passed unanimously.

IV. CONSIDERATION OF AMENDMENT TO CITY OF LOS ANGELES NDFE

See item III above.

V. REPORT FROM THE ALTERNATIVE TECHNOLOGY ADVISORY SUBCOMMITTEE

Mr. Coby Skye reported that as part of its outreach efforts, the Subcommittee will have a booth at *Wastecon 2009*, and provide a presentation on the County's conversion technology project on Thursday, September 24, 2009. He also reported that the Subcommittee has nearly completed negotiations with the technology development companies, and proposals are now under review by legal staff. Staff expects to submit the proposals to the Board of Supervisors in October.

Mr. Skye then reported that the Subcommittee heard a presentation by James Leach of Dana Technologies on evaluations completed for prospective development projects in Hawaii. He stated that the California Integrated Waste Management Board (CIWMB) is planning a tour of facilities in Southern California, including those in Los Angeles County, for October 19th, and 20th.

VI. CONSIDERATION OF ALTERNATIVE TECHNOLOGY ADVISORY SUBCOMMITTEE GOALS AND OBJECTIVES

Mr. Skye stated that as the major goal of getting a conversion technology demonstration project developed in Southern California nears completion, the Subcommittee and staff developed and adopted goals and objectives ([see attachment](#)) to guide the future work of the Subcommittee.

Mr. Skye stated that among the Subcommittee's goals is to continue working to maintain the Task Force and Subcommittee's reputation as a respectable source of information regarding conversion technologies. He stated that the Subcommittee will continue to assess, evaluate, and promote the development of conversion technologies as viable alternatives to landfill disposal and to meet multiple policy goals including greenhouse gas emissions reduction and development of low carbon fuels and renewable energy, among others.

Mr. Skye stated that immediate objectives for the Subcommittee include moving forward with the implementation of the environmental consultant contracts for Phases III and IV which will be presented to the Board of Supervisors next month. He stated that the Subcommittee will closely monitor the start up of the Phase III demonstration project and play an active role in publicizing the results.

A motion was made to approve the Subcommittee's recommendations for goals and objectives. The motion passed unanimously.

VII. LEGISLATIVE UPDATE

Mr. Rogelio Gamiño provided updates on the following Legislative Bills ([see attachment](#)).

1. AB 64 and SB 14—introduced by Krekorian and Simitian, respectively

Mr. Gamiño indicated that the Task Force had originally opposed AB 64, because language in the Bill essentially prohibited the development of conversion technologies. At the same time, the language of concern to the Task Force has been removed from AB 64, and amended into SB 14. He stated that both Bills were amended to provide enabling language for each other.

Mr. Mike Mohajer noted that SB 14 and AB 64 are companion Bills and both would prohibit energy generated from conversion technology facilities to be considered renewable energy. In addition, both Bills prohibit landfill gas projects developed after September 16, 2009, to be eligible for renewable energy credit.

A motion was made to send a letter to the Governor requesting that he veto AB 64 and SB 14 because they prohibit the development of conversion technology facilities in California. The motion passed unanimously.

2. AB 274—introduced by Portantino

AB 274 would, beginning July 1, 2011, establish a dedicated trust fund by initially collecting \$0.12 for every ton of waste disposed from participating solid waste landfill operators. The fund would be used to cover postclosure maintenance and corrective actions and attempts to address the potential financial liability that the State may incur when a facility operator fails to maintain the landfill facility after closure and/or to perform the necessary corrective actions. This bill will sunset on January 1, 2012, unless specified provisions are met. AB 274 does not address how the Waste Board (or subsequent agency) will recover expended funding in the event a private landfill owner/operator files for bankruptcy.

Mr. Gamiño indicated that the Task Force has opposed the Bill unless amended and that all of Task Force's recommendations were not incorporated in the enrolled version of the Bill. A motion was made to send a letter to the Governor requesting that he veto this Bill. The motion passed with Mr. Charles Boehmke abstaining.

3. AB 473—introduced by Blumenfield

This Bill would require an owner of a multifamily dwelling, defined as a residential facility that consists of five or more living units, on and after July 1, 2010, to arrange for recycling services that are appropriate for the multifamily dwelling, consistent with State, or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste.

A motion was made to send a letter to the Governor requesting that he veto this Bill. The motion passed unanimously.

4. AB 1085—introduced by Mendoza

This Bill would require the State's Air Resource Board to make available to the public each technical, theoretical, and empirical study, report, or similar document, if any, on which the agency relies and is related, but not limited to, air emissions, public health impacts, and economic impacts, before the comment period for any regulation proposed for adoption by the State Board.

A motion was made to send a letter to the Governor requesting that he sign this Bill. The motion passed unanimously.

5. AB 1173—introduced by Huffman

This Bill would prohibit the distribution of moneys from energy efficiency investment funds to any entity for the purchase and distribution of compact fluorescent lamps, unless the residential fluorescent lamps meet certain specifications, and that the lamp manufacturer individually or collectively implement a recycling program.

A motion was made to send a letter to the Governor reiterating the Task Force's opposition to AB 1173, and requesting that he veto the Bill. The motion passed unanimously.

6. SB 402—introduced by Wolk

This Bill would, beginning April 1, 2010, revise the term 'beverage' to include vegetable, fruit, nut, grain, or soy drinks or juices, or noncarbonated drinks that contain any percentage of those drinks or juices, qualifying these containers to have a minimum refund value.

A discussion ensued about the Bill creating obstacles to the implementation of an extended producer responsibility strategy by expanding provisions of the bottle bill. A motion was made to send a letter to the Governor expressing the Task Force's opposition for SB 402, as enrolled and requesting that he veto the Bill. The motion passed with Ms. Coca opposing.

7. SB 486—introduced by Simitian

This Bill would require, on or before July 1, 2010, and annually thereafter, a pharmaceutical manufacturer that sells or distributes medication that is self-injected at home through the use of hypodermic needles and other similar devices to submit to the Waste Board or its successor agency, a plan that describes how the manufacturer supports, *if at all*, the safe collection and proper disposal of home-generated sharps waste. The plan would not be subject to the Waste Board's approval and would hinder the implementation of an extended producer responsibility solution for the collection and disposal of sharps.

A motion was made to send a letter to the Governor expressing the Task Force's opposition to SB 486 as enrolled on September 10, 2009, and requesting that he veto the Bill. The motion passed unanimously.

VIII. REPORT ON CIWMB AGENDA ITEMS 2, 3, 6, AND 8 OF THE SEPTEMBER 15, 2009, MEETING

Ms. Tobie Mitchell stated that Item 8 covered Mandatory Commercial Recycling. She stated that CIWMB staff developed draft conceptual provisions ([see attachment](#)) for Mandatory Commercial Recycling and presented them to the CIWMB Strategic Policy Development Committee in September. The provisions include requiring all business generating more than four cubic yards of total solid waste and recyclable materials per week to subscribe to recycling services, consistent with local requirements, to the extent that these services are available. In addition, local jurisdictions would be required to implement a commercial recycling program by July 1, 2012, that includes education and outreach to businesses, regardless of whether the jurisdiction has met its 50 percent equivalent per capita disposal target.

Another aspect contemplated in the provisions would make the CIWMB responsible for ensuring that each jurisdiction is implementing its commercial recycling program and for measuring whether, at a Statewide level, the AB 32 Scoping Plan goal of five million metric tons of CO₂ equivalent emissions reductions is being met; the CIWMB would require local jurisdictions to submit evidence of compliance in their annual report. Ms. Mitchell indicated that the Task Force has forwarded a letter to the CIWMB expressing its concerns over Mandatory Commercial Recycling.

Ms. Mitchell also provided an update on Item 3, Implementation of Strategic Directive 8.3 (SD 8.3). She stated that in June 2008, the CIWMB added “new emerging technologies” to the list of priority areas identified in SD 8.3 as part of their organic roadmap which included identifying issues and solutions to increase the siting of organic diversion facilities. For this reason, CIWMB staff developed a draft guidance document on how organics anaerobic digestion fits into the CIWMB regulatory structure; however, this document was addressed exclusively in Committee.

Ms. Mitchell stated that the draft document provides an overview of how Title 14, requirements for permit authorization apply to anaerobic digestion with the consideration of feedstock, source of the feedstock, and location and quantity involved. She stated that if any portion of the feedstock meets the definition of compostable material, the project would be subject to Title 14. Compost is defined in the Public Resources Code (PRC) as the product resulting from controlled biological decomposition of organic waste that is source separated from Municipal Solid Waste (MSW) stream or which is separated at a centralized facility; it includes vegetable, yard, and wood waste which is not hazardous.

Ms. Mitchell stated that if a facility’s feedstock meets the criteria for compost definition, then the facility can be classified as a compost facility. If a facility

handles mixed waste material, it can be classified as a transfer station or recycling facility if it meets the three part test. The “three part test” requires that a site receives source separated material; that less than 1 percent of the material is putrescible; and that the residual amount of solid waste separated for reuse material is less than 10 percent of the material received at the site.

Mr. Wu Tan provided a presentation ([see attachment](#)) on CIWMB staff review of Regulations for Alternative Daily Cover (ADC), Food and Green Waste Composting, Farm and Ranch Composting, Compostable Material Land Application, and Three Part Test (regulations).

Mr. Tan indicated that the purpose of Strategic Directive 8.3 was to review regulations to ensure they are grounded in the best available science, address changing market conditions, and take advantage of developing technologies. He stated that staff has identified six priority areas regarding regulations, which included composting, ADC, beneficial use, farm and ranch composting, three part test/green material contamination, and emerging technologies. Mr. Tan noted that “emerging technologies” was not discussed in this presentation.

Mr. Tan indicated that staff’s expected outcomes from the review included a detailed description and analysis of other States and Counties’ models, recommendations on models for California, and analyses of best management practices. He stated that finalized white paper on the review of regulations is due in December of 2009.

Mr. Tan also provided a presentation on the Third Assessment of California’s Compost and Mulch Producing Infrastructure ([see attachment](#)). He stated that the CIWMB conducted a Statewide assessment survey in 2008, in order to obtain the number of composter and processors; the amount of feedstock types, and sources of organic materials recycled; product diversity and markets; as well as to address several air and water quality questions. Mr. Tan stated that the survey found that the number of facilities has increased 36 percent since 2000, and that the majority of facilities process under 49,000 tons per year of mostly wood and green material. He indicated that the continued growth of the organics infrastructure could depend on the resolution of air and water quality issues, AB 32 measures on organics and anaerobic digestion, and the increasing sale of compost products.

A discussion ensued. A motion was made to authorize Public Works staff to send a letter to the CIWMB with comments—if comments are needed prior to the next Task Force meeting—on ADC policy as discussed in SD 8.3. The motion passed unanimously.

IX. OVERVIEW OF CARBON EMISSION CREDITS

No action. Item postponed until next meeting.

X. PRESENTATION ON DRAFT REGULATIONS ON AB 2296 FINANCIAL ASSURANCE

Mr. John Bodenchak provided a presentation on the latest draft regulations on AB 2296, ([see attachment](#)) which were released for a 45-day public comment period ending October 5th.

Mr. Bodenchak stated that in the event that a landfill changes ownership, the new owner is required to bring the level of financial assurance up to 30 times the estimated annual cost of post closure maintenance but can apply to keep the prior owner's existing level of financial assurance provided that certain criteria are met. However, the minimum level of financial assurance the new owner has to achieve is 15 times the annual cost.

The postclosure maintenance requirement applies to all landfills operating after January 1, 1988. Operators of active landfills are required to provide financial assurance for 30 times the estimated annual cost of postclosure maintenance while closed landfills with an approved postclosure maintenance plan can apply to reduce the financial assurance multiplier equal to the number of years since certified closure.

Operators can apply to step down their financial assurance multiplier by five times the estimated annual cost of postclosure maintenance to a minimum of 15, provided that certain criteria are met. However, CIWMB can require operators to step up assurance to the 30-year level in five-year increments if an operator fails to meet conditions, including proactive monitoring.

The corrective action financial assurance requirements apply to all landfills operating after July 1, 1991, and include water quality corrective actions and non-water quality corrective actions. Operators are required to estimate the cost of both water quality corrective actions and non-water quality corrective actions and provide financial assurance for the higher of the two.

Mr. Bodenchak noted that in April, the Task Force sent a letter to the CIWMB with comments on the previous draft regulations. He stated that while most of the Task Force's concerns were incorporated, several important issues were not addressed. Mr. Bodenchak additionally indicated that staff felt the current financial assurance mechanisms do not protect cities and Counties from financial liability in the event that a private landfill operator files for bankruptcy.

A motion was made to send a letter to the CIWMB incorporating staff's comments and reiterating the Task Force's position on items not addressed by the AB 2296, Working Group regarding the new draft regulations. The motion passed, with Charles Boehmke and Pete Oda abstaining.

XI. REPORT FROM THE CIWMB

Mr. Steve Uselton stated that recent reports filed indicate that most jurisdictions and State agencies are meeting per capita disposal targets. He noted that part of the decline in disposal can be associated with the downturn in the economy but recognized that most of the reduction is due to programs implemented by local governments. In addition, several businesses in the Counties of Los Angeles and Orange were recognized for their source reduction and recycling programs in support of local jurisdictions' reduction requirements.

Mr. Uselton reported that the CIWMB website now features an organics and composting support toolbox designed to look at the different programs that handle organics throughout California and allows users to leave feedback. The website also contains information on a series of Statewide compost workshops aimed at encouraging procurement of compost materials by local governments. He reported that the new model water efficiency landscaping ordinance from the Department of Water Resources includes information on using composting and mulch as part of the strategy for water efficiency landscaping.

Mr. Uselton also reported that the CIWMB's 2008, Waste Characterization Study revealed that the commercial sector is the biggest contributor to the waste stream and that organics represent the largest category of waste being disposed. The study also found that many of the disposed materials are clean enough to be recycled.

Mr. Uselton stated that the CIWMB will conduct its annual Household Hazardous Waste training and conference from November 2nd to 4th in Sacramento, and *Wastecon 2009*, will take place in Long Beach from September 22nd to 24th.

XII. UPDATE ON COURT DECISION REGARDING LAWSUIT BROUGHT AGAINST REGIONAL WATER BOARD

No action. Item postponed until the next meeting.

XIII. NEXT MEETING DATE

The next meeting was scheduled for Thursday, October 15, 2009, at 1 p.m.

XIV. OPEN DISCUSSION/PUBLIC COMMENT

Ms. Natalie Jimenez stated that the County's "Brag About Your Bag" campaign will kick off on November 15th, and conclude with a "Day Without a Bag" on December 17th. She stated that several major grocery chains are participating and invited local governments to partner with the County in the campaign.

There were no further comments. The meeting adjourned at 3:14 p.m.