

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

Minutes of January 19, 2012

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

COMMITTEE MEMBERS PRESENT:

Betsey Landis, Environmental Organization Representative
Mike Mohajer, General Public Representative
Sam Perdomo, Business/Commerce Representative
Ron Saldana, Los Angeles County Disposal Association (Formerly GLASWMA)
Eugene Sun, League of California Cities-Los Angeles Division

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Mitchell Englander, rep. by Nicole Bernson, City of Los Angeles
Dr. Jonathan Fielding, rep. by Cindy Chen, County of Los Angeles Department of Public Health
Gail Farber, rep. by Carlos Ruiz, County of Los Angeles Department of Public Works
Stephen Maguin, rep. by Charles Behmke, County Sanitation Districts of Los Angeles County
Dr. Barry Wallerstein, rep. by Jay Chen, South Coast Air Quality Management District
Enrique Zaldivar, rep. 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
Mary Ann Lutz, League of California Cities-Los Angeles Division
Gerry Miller, City of Los Angeles

OTHERS PRESENT:

Briand Ahn, City of Los Angeles
Martins Aiyetiwa, County of Los Angeles Department of Public Works
Tracey Anthony, ARI
Gabriel Arena, County of Los Angeles Department of Public Works
Becky Bendikson, SCL-CAC
Anthony Bertrand, Republic Services, Inc.
David Cieply, Republic Services, Inc.
Latoya Cyrus, CAA
David Davis, MSSW Consultants
Brendie Heter, Santa Clarita
Susan Higgins, ARI
Wayde Hunter, NVC/GHNNC
Natalie Jimenez, County of Los Angeles Department of Public Works
Linda Lee, County of Los Angeles Department of Public Works
Howard Levenson, CalRecycle – via teleconference
Jacqueline Maddox, Clements
Corey Mayne, County of Los Angeles Department of Public Works
Cara Morgan, Cal Recycle – via teleconference
Krislana Nand, Environmental Management Professionals
Derell Rogers, VVS

OTHERS PRESENT (Continued):

Coby Skye, County of Los Angeles Department of Public Works
Wu Tan, County of Los Angeles Department of Public Works
Heather Youngs, California Council on Science and Technology
Marjaneh Zarreparvar, PaintCare

Call to Order

Meeting called to order at 1:07 p.m.

I. APPROVAL OF MINUTES OF NOVEMBER 17, 2011

A motion was made to approve the November 17, 2011, minutes with a minor correction. The motion passed unanimously.

II. WASTE-TO-ENERGY IN CALIFORNIA

Dr. Heather Youngs of the California Council on Science and Technology presented a PowerPoint presentation regarding a report she wrote in October 2011 for the California Council on Science and Technology entitled "Waste-to-Energy in California: Technology, Issues and Context." Dr. Youngs stated that this report serves as a starting point for discussions concerning the conversion of post-recycled urban-derived biomass and municipal waste to energy. The report outlined possible benefits of waste-to-energy systems such as decreased landfill burden, decreased greenhouse gas emissions, and a source of reliable local low-carbon electricity. The report also stated that were negative impacts including a disincentive to waste reduction and recycling programs, increased air and water impacts, high costs, and financial risk for communities if technology is unreliable.

III. REPORT FROM THE ALTERNATIVE TECHNOLOGY ADVISORY SUBCOMMITTEE (ATAS)

Ms. Tobie Mitchell reported that at their meeting earlier in the day, the ATAS heard a presentation by Dr. Heather Youngs regarding a paper she developed for the California Council on Science and Technology on waste-to-energy systems in California. Mr. Mike Mohajer made a motion to send a letter to the California CCST commenting on the report from Dr. Heather Youngs emphasizing the importance of a life cycle analysis on all waste types and the use of the terms waste-to-energy and biomass in Dr. Youngs' report. The motion was seconded by Ms. Betsey Landis and passed unanimously.

The Subcommittee also heard an update from the County's technical staff Alternative Resources Inc (ARI) on the progress of Phase III and IV. ARI is in the process of completing a technical analysis for the City of Avalon, which is interested in siting a small-scale conversion technology project at the Pebbly

Beach Landfill. ARI has also developed an economic model to study the feasibility of siting an anaerobic digestion project at the Calabasas Landfill. The County's public outreach consultant Cerrell Associates reported that they are engaged in a number of outreach and education events throughout the state. Cerrell is assisting the County in hosting a booth at the upcoming VerdexChange conference as well as conversion technology panel. Several notable speakers including Felicia Marcus from NRDC, Jim Boyd former California Energy Commission Board Member and Pat Proano with Los Angeles County Public Works will be on the panel.

IV. REPORT FROM THE FACILITY AND PLAN REVIEW SUBCOMMITTEE)

Ms. Betsey Landis reported the subcommittee reviewed the Executive Summary of the Countywide Siting Element. Updates will be provided to the Task Force as the plan develops. The subcommittee also discussed Sunshine Canyon Landfill and various training exercises performed by the City and County of Los Angeles Fire Departments. Ms. Landis made a motion to send a letter to the City and County Fire Departments requesting they have representatives attend the February meetings of both the FPRS and the Task Force to report on training activities each has held at Sunshine Canyon Landfill property and their use of fire retardant in the training activities. The motion was seconded by Mr. Carlos Ruiz and passed with opposition from Nicole Bernson and Karen Coca.

V. REPORT FROM CALRECYCLE

Mr. Howard Leven and Ms. Cara Morgan of CalRecycle gave the following updates from CalRecycle:

The New Director, Caroll Mortensen, wants to continue the tradition of the Integrated Waste Management Board of a transparent open process for stakeholders. She is also looking at AB 341 as a huge opportunity for CalRecycle to redefine how they look at material in the wastestream and what to do with them. Her top goals are the 75% goal and reforming the bottle bill/beverage container fund and will also focus on MRF performance and post recycled content of residuals.

Organics Road Map – a major part of what goes to landfills is organics. Statewide there's been growth in composting facilities from a few in the 90s to over 200 currently; however, the growth of what's being processed has been static for four to nine years. There are constraints on the industry's ability to grow significantly and they are concerned with its ability to maintain itself. With the imminent closure of Puente Hills Landfill the issues with composting will be exacerbated. They are working to address these issues and reviewing their regulations on composting relating to food waste and anaerobic digestion. In early February there will be a workshop. The date will be

provided later. They are also working with State Water Resources Board on their general order for greenwaste composting and have a tentative adoption date of July 2012. They are also working with the Air Resources Board to establish a low carbon fuel standard for anaerobic digestion with hopes of adopt standards this year to provide market incentives for anaerobic digestion facilities. They are also working with them on green house gas for composting and renewable energy relating to AB 118 – transportation fuels program. They have \$8 million for anaerobic digestion projects. Solicitation for that will come out shortly. They still have their loan program for an anaerobic digestion project. They are working with Air Board to see if money from cap and trade auction can set funds aside for facility development. In regards to conversion technology, the issue remains controversial. Other concerns, like emissions from conversion technologies, are where they fit in solid waste hierarchy, how they will be and permitted, and if they qualify for renewable energy credit. They are trying to plan ahead and want to hear how they can address the Puente Hills Landfill closure and specifically organics.

AB 341 and the 75% diversion goal – They are required to report to legislature by January 2014 on recommendations on how to reach that 75% goal. They will be hosting workshop with stakeholders on what options are needed and what CalRecycle can do right now and if legislation will be needed.

The mandatory commercial recycling of AB 341 requires business to recycle and local jurisdictions to conduct education outreach, monitoring, and reporting to CalRecycle in their 2012 annual report. CalRecycle's role is looking into program implementation. There have been issues throughout the rulemaking such as mixed waste processing versus source separation. There were also issues on post-recycled residuals. That will be looked at over the next year and won't be part of this year's rulemaking. Transformation is still an issue. Existing statutes have not been changed, but they were asked to include additional clarification of what the existing statutory regulations are and that language has been added and posted. The third issue is the rights of franchise agreement versus rights of businesses to donate or sell their recyclable material to an independent recycler. The regulations were crafted to not change existing regulations or case law. The regulations were adopted on January 17, and will be packaged and sent to the Office of Administrative (OAL) Law for approval. They hope to hear back from OAL in six to eight weeks; however, they are moving forward as if approved and going into implementation phase. They will be going around the state to promote tools for jurisdictions to utilize and assist them in answering questions and giving more detailed presentations. Howard, Cara, and Carol will be at the San Gabriel Council of Governments January 23 and will address this issue. In February they will attend a workshop in San Diego and in Orange County in

March. They will also conduct more in-depth workshops with jurisdictions upon request.

Ms. Cara Morgan reported that on their website there is a new webpage are new steps for updating the non-disposal facility element. It was changed from an amendment process, when revisions are needed for an existing facility, to an update process. Beginning steps for a jurisdiction are the same. There is no longer a specific regulatory requirement for public noticing or approval that a jurisdiction must follow. The updated information must be presented to CalRecycle within 30 days and a copy to a local task force but is not subject to review by the task force or CalRecycle. The update will append the current NDFE document and will be used to make conformance findings for permits.

Carpet and Paint programs – Mr. Levenson stated regulations were adopted for carpet under the Extended Producers Responsibility Program in November and they conditionally approved CARE's plans for carpet manufacturers. There some issues they have concerns with about CARE's plans before they can give final approval. CARE is already collecting assessment fees and providing incentives to recycler processors for materials recycled. Paint regulations continue to be controversial but were adopted January 17, 2012. They have been forwarded over to OAL for final approval. CalRecycle will continue to monitor the regulations over the next year to address issues that come about.

Ms. Betsey Landis asked if there was a comparison table between various conversion technologies and aerobic and anaerobic composting. Mr. Levenson responded there are existing regulations or regulatory proposal from agencies that they can work with to try and make better. Conversion Technologies issues are statutory and tied up in political discussions and they are limited in what they can do.

Mr. Mike Mohajer stated he and Task Force have been involved with composting working group put together by the Water Board, and the issues relate to protecting surface and ground water, and one requirement is that if there is any runoff from the sites, they have to comply with the TMDL and stormwater permit requirements, but it appears the requirements aren't as strong when composting is involved. CalRecycle should treat composting, conversion technologies, and recycling in the same way and not be selective. So far CalRecycle has been silent on the accidental death on the young men in Fresno related to composting when clearly there's a health and safety issue. Mr. Levenson responded that the Water Board was very involved with developing the regulations and has been committed to ensuring health and safety with composting. In regards to the tragedy of the young men, CalRecycle has been involved, but it's an OSHA issue and because of the investigation, they aren't at liberty to discuss it. Ms. Nicole Bernson stated she hopes will be an effort to reach out more to the Air Boards because if there is more of a reliance on composting for organic materials, the

south coast areas will be disenfranchised and will have to push more material up north, which will cause transportation emission issues. Mr. Levenson stated he agreed and understood why conversion technologies are important. They have engaged the South Coast Air Board on AB 1133 and the NOX rules doing things where they can.

Ms. Karen Coca asked if the money borrowed from the bottle bill fund has been restored and if it created an annual imbalance where there's more money going out than coming in. Mr. Levenson stated that most of the money has been restored, but they are still paying out more than is coming in, so complete reconciling won't happen until 2013/14. It will take legislative measures to fix the fund issue, which means grant programs could be affected.

Ms. Landis asked since the output material from composting facilities is static, does that mean the market is saturated and has anyone looked to see if they are producing all the composting that can be sold? Mr. Levenson stated that it hasn't been done on a systematic basis but regionally it varies based on need.

VI. CALIFORNIA PAINT RECOVERY PROGRAM, LOCAL GOVERNMENT PARTNERSHIP

Ms. Marjaneh Zarreparvar, Executive Director of PaintCare, gave a presentation on the California Paint Recovery Program activities related to AB 1343. The program is not government run rather it is an industry-supported paint product stewardship program that ensures environmentally responsible end-of-life management for leftover architectural paint while relieving local and state governments of the economic burden of post-consumer paint management. PaintCare implemented the pilot paint stewardship program in Oregon in July 2010, and California will be the second state to implement the program July 1, 2012.

The program will be funded by a PaintCare Recovery Fee that will be added to the cost of all architectural paint sold. This Recovery Fee will fund the collection, transportation, recycling and proper disposal of architectural paint in the state. The fee will be paid at the point of sale and commercial painters may see this fee on their invoices for Program Products. Paint producers, retailers, and distributors must charge the PaintCare Recovery Fee and it is expected that trade painters will in-turn charge their customers in order to recoup this cost. Trade painters will no longer be charged to dispose of their leftover paint at the point of collection. Painters that are small or large quantity hazardous waste generators will not be able to manage their leftover alkyd paint using this program.

The steward plan must be approved by CalRecycle. The plan is due to CalRecycle April 1, 2012, and must outline all the details of the program.

CalRecycle has 90 days after submission to approve the plans and the program must begin by July 1, 2012. The first tier of the plan will be to create partnerships with the existing household hazardous wastes programs and the second phase to involve retailers. They are working on setting up agreements with haulers and recyclers to manage the collection and processing of the paint.

She addressed some of the concerns the Task Force submitted on December 22, 2011. To the concern of convenience to the public, she stated it would be a balance of cost to convenience and the standard hasn't been developed yet. In response to recovery rates, she stated the highest rate seen is 10% but it will fluctuate with paints sales, so it will be hard to establish an exact goal but they will start on a baseline of what is currently collected and it will increase as more sites are added. Mr. Carlos Ruiz stated under AB 1343, stewardship organizations are responsible to manage the paint, and local governments have the option of participating, and asked since local governments have limited funds and their programs don't do everything needed to manage the paint, doesn't it require the stewardship program to manage all of the paint? Ms. Zarreparvar responded the stewardship programs should manage 100% of what is collected, and the law requires they establish a program but not manage it. However, the goal is to transition away from local government programs since they do have limited funds. She addressed the concern that CalRecycle should consider local government's input prior to implementation of the stewardship plan and stated that PaintCare agrees with this position. Finally she addressed the concern of manufacturers' responsibility and that local government shouldn't be relied upon without proper compensation for collection costs of involvement in the program. She stated that this is an industry-based program and unfortunately they determine the cost and negotiations would have to be made; however, because this program is retail based, they can cover more of the local government's cost to run a program. She emphasized that this is a nonprofit program, so industry does not receive any financial benefit and must bear the cost by increasing the cost of their product.

Ms. Natalie Jimenez asked how aggressive PaintCare will be in getting retailers on board and if any retailers asked to be part of the program. Ms. Zarreparvar stated it would be a balance of cost versus convenience and that would depend on the number of stores. They are trying to come up with criteria they can apply nationally. There are retailers asking to be a part of the program, but it may be more costly depending on location. Mr. Jay Chen asked what happens at the processing plant and if she knew the percentage of paint reused. She stated not too much would change from the current standards, and existing reuse providers be treated the same as a source provider. The reuse rate for Oregon was up above 70% for latex paint back into paint. Mr. Brian Ahn asked if they had a baseline goal for the City and County of Los Angeles. She stated they haven't established that and are currently working mapping out the retail stores and convenience factor.

VII. LEGISLATIVE UPDATE

Mr. Coby Skye gave a brief update on the [attached legislative table](#). He stated about 60 bills have been added that were either amended or introduced for the new year. Staff did not have any recommendations for action at this point but will be closely monitoring the bills.

VIII. CALIFORNIA ENERGY COMMISSION SURVEY ON PLANNING AND PERMITTING OF RENEWABLE ENERGY PROJECTS IN CALIFORNIA

Ms. Tobie Mitchell reported that Mike Mohajer had instructed staff to review a recently-released survey from the California Energy Commission and prepare a response from the Task Force highlighting various ways solid waste conversion technologies could contribute to the renewable energy supply in California.

In April 2011, Governor Brown signed legislation that requires electricity utilities in California to purchase at least 33% of their electricity sales from renewable generators by 2020. This legislation, and Governor Brown's policy to increase in-state renewable generation from local resources, will have an impact on local planning and building departments as officials seek to address new energy development requests in their jurisdictions.

The Energy Commission is soliciting stakeholder thoughts through this survey to collect data regarding the planning and permitting of renewable energy systems in California. Responses to this survey will be used by the Energy Commission to develop web-based resources and new policy tools to assist local planning and permitting officials in adapting to the increased number of requests to build and permit renewable energy systems.

Ms. Nicole Bernson made a motion to send a letter to the California Energy Commission Renewable Energy Survey by January 22, 2012, with comments relating to the benefits of conversion technologies as renewable energy generators. Mr. Mike Mohajer seconded, and the motion passed unanimously.

IX. UPDATE ON CALRECYCLE/STATE WATER RESOURCES CONTROL BOARD DRAFT REGULATORY REVISION TO TITLES 14 & 27 OF THE CCR

Mr. Martins Aiyetiwa gave an update on the Concepts for a Statewide Order for Composting Facilities presented at the State Water Resources Control Board (Water Board) stakeholder workgroup meeting held December 13, 2011. He highlighted some of the key issues discussed concerning the Water Quality Protection Measure presented by Industry and the Water Board's responses. He also stated the Water Board will hold additional meetings – one in February and three in March and intends to release their draft proposal before the end of the last meeting in March.

Mr. Aiyetiwa also reported on CalRecycle's Informal Workshop on Draft Regulatory Revisions to Title 14 and 27 held on December 21, 2011. He reported on nine of the 14 issues discussed at the workshop and CalRecycle's potential approach to the issues. He stated that additional workshops are still being conducted, and the deadline for additional comments has not been posted yet. Comments can be sent to compost.transfer.regs@calrecycle.ca.gov.

Mr. Mike Mohajer made a motion to prepare a draft response to the composting regulations, in coordination with the City of Los Angeles, to be discussed at the February Facility and Plan Review Subcommittee meeting and bring before the Task Force at the February meeting. Ms. Karen Coca seconded, and the motion passed unanimously.

X. UPDATE ON SUNSHINE CANYON LANDFILL

Mr. Anthony Bertrand of Republic Services, Inc., gave the [attached presentation](#) on the findings at the Sunshine Canyon Landfill. The presentation included work that was completed at the landfill, what they learned, the SCAQMD Abatement Order, their plan for 2012 and the commitment to the community.

The Task Force thanked Republic for the report and had a brief discussion clarifying specific items such as placement of flares, incorporation of gas to energy, and use of soil and greenwaste. Mr. Wayde Hunter inquired if there would be regular inspections and if the next quarterly monitoring report would produce better results in the flare emissions. Mr. Bertrand confirmed there would be regular inspections and better results although initially there would not be a tremendous difference until the flare systems are up and running.

XI. MANDATORY COMMERCIAL RECYCLING

Mr. Corey Mayne reported CalRecycle held its monthly Public Meeting on January 17, 2012, and the Mandatory Commercial Recycling regulations have been approved. There was one revision made to Subsection 188837(e) that was not for public review. The revision included language regarding businesses stating "(i.e., businesses whose waste goes to a transformation facility still need to comply with the requirements in subsection 188837(a)."

XII. REPORT FROM CALRECYCLE

Mr. Primitivo Nunez reported on the following:

- City/County payment program has funds available for jurisdictions for beverage can recycling and litter and abatement activities. Statewide there is \$10.5 million available and each city is allowed \$5,000 and the County is allowed \$10,000 or an amount determined by CalRecycle based on per

- capita, whichever is greater. The deadline to apply for grants is January 31, 2012. There are still 40 cities that have not applied.
- The Recycle for the Competitive beverage container recycling grant for FY 2011-12 and 2012-13. This grant is now closed, but it was for government entities, businesses, and nonprofits that implement programs to provide convenient beverage containers recycling opportunities. The evaluation committee will be reviewing and hope to make determinations by end of April.
 - There are other grants for local governments in the summer and fall such as \$250,000 for rubberized asphalt projects and \$100,000 local and \$250,000 regional for waste tire collection projects.

More information for more grants can be found on CalRecycle's website as well as the ability to sign up for their listserv.

XIII. NEXT MEETING DATE

The next meeting is scheduled for Thursday, February 16, 2012, in Conference Room C.

XIV. OPEN DISCUSSION

Mr. Mike Mohajer requested staff to contact the Los Angeles County Department of Public Health to request Ann Wong attend and present their implementation of the needle program in reference to Senate Bill 41's needle exchange program effective January 1, 2012, which will allow pharmacies to sell up to 30 sharps without prescriptions and require them to accept them back.

Mr. Krislana Nand of the Environment Management Professionals suggested in reference to conversion technologies that the Task Force accept the anaerobic digestion process as it is maturing, more people are going in that direction, and other technologies still have a lot of work. There are still some problems with making energy from anaerobic digestion and it's difficult to define the project in going from gas to energy to SCAQMD. He also suggested the Task Force should bring the regulatory agencies together with the project developers and the science and technology field to come to a consensus of how to approach the process and establish the best regulatory control technology so planning for new projects won't have to start from ground zero.

The meeting adjourned at 4:08 p.m.

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