

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

Minutes of March 21, 2013

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

COMMITTEE MEMBERS PRESENT:

Margaret Clark, California League of Cities-Los Angeles Division  
Betsey Landis, Environmental Organization Representative  
Mary Ann Lutz, California League of Cities-Los Angeles Division  
Mike Mohajer, General Public Representative  
Eugene Sun, California League of Cities-Los Angeles Division

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Grace Chan, rep by Chris Salomon, County Sanitation Districts of Los Angeles County  
Gail Farber, rep by Carlos Ruiz, County of Los Angeles Department of Public Works  
Dr. Jonathan Fielding, rep by Cindy Chen, County of Los Angeles Department of  
Public Health  
Dr. Barry Wallerstein, rep by Mohen Nazemi, 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.  
Michael Conway, City of Long Beach  
Mitchell Englander, City of Los Angeles  
David Kim, City of Los Angeles  
Gerry Miller, City of Los Angeles  
Sam Perdomo, Business/Commerce Representative

OTHERS PRESENT:

Becky Bendikson, SCL-CAC  
Jay Chen, Self  
Wayde Hunter, NVC/GHNNC  
Armine Kesablyan, County of Los Angeles Department of Public Works  
Martin Mac Gasone, CalRecycle  
Karlo Manalo, County of Los Angeles Department of Public Works  
Stephanie Martin, County of Los Angeles Department of Public Works  
Tobie Mitchell, County of Los Angeles Department of Public Works  
Primitivo Nunez, CalRecycle  
Peggy Polinsky, Self  
Edwin Pupka, South Coast Air Quality Management Districts  
Chris Sheppard, County of Los Angeles Department of Public Works  
Coby Skye, County of Los Angeles Department of Public Works  
Jim Stewart, BioEnergy Producers Association  
Emiko Thompson, County of Los Angeles Department of Public Works  
Curtis William, City of Santa Clarita

**I. CALL TO ORDER**

Meeting called to order at 1:13 p.m.

**II. APPROVAL OF MINUTES OF FEBRUARY 21, 2013, MINUTES**

A motion was made to approve the minutes. The motion passed unanimously. Mr. Mike Mohajer submitted, for inclusion on the record, a letter referred to during the March meeting discussion of Item IV regarding the [April 15, 2010, letter](#) of support from California Air Resources Board, California Energy Commission and CalRecycle for AB 222 as well as a list of other supporters.

**III. JAY CHEN SERVICE RECOGNITION**

Mr. Chen represented the South Coast Air Quality Management District (SCAQMD) on the Task Force as an alternate to the District's Executive Director for over 15 years. Mr. Chen retired from SCAQMD in February 2013. On behalf of the Task Force, Council Member Margaret Clark presented Jay Chen with a plaque for his many years of service to the Task Force.

**IV. REPORT FROM THE ALTERNATIVE TECHNOLOGY ADVISORY SUBCOMMITTEE (ATAS)**

Ms. Tobie Mitchell reported the Subcommittee heard updates from the County's technical and public outreach consultants, as well as a presentation by Julia Levin of the Bioenergy Association of California. The Association is currently establishing its membership and has invited the Task Force to join. In March, the County and CSAC hosted a lobby day in Sacramento that featured a film screening of the documentary "Trashed", a catered reception, and opportunity to discuss conversion technologies with several legislative offices. The Subcommittee also discussed Senate Bill 804, the conversion technology bill sponsored by CSAC and the County. More information regarding the bill will be presented in the legislative update.

**V. REPORT FROM THE FACILITY PLAN & REVIEW SUBCOMMITTEE (FPRS)**

Ms. Betsey Landis reported that the subcommittee made a motion to recommend to the Task Force the approval of the Finding of Conformance (FOC) for the Lancaster Landfill and Recycling Center (LLRC). Ms. Mary Ann Lutz requested more information regarding the Reclaimable Anaerobic Composter (RAC) before proceeding with the motion of granting the FOC for the LLRC. Ms. Landis also reported updates regarding odor complaints, leachate management, access road, and the construction of the sewer line for the Sunshine Canyon City/County Landfill.

**VI. CONSIDERATION OF THE PROPOSED FINDING OF CONFORMANCE FOR THE LANCASTER LANDFILL**

Mr. Karlo Manalo gave the [attached presentation](#) on the RAC, which is included as one of the Conditions in the FOC for the LLRC. After a brief discussion, Ms. Landis made a motion for the Task Force to grant the FOC for the Lancaster Landfill and Recycling Center including all staff and subcommittee recommendations as of March 21, 2013, and verification of the LEA's approval of the RAC. The motion passed unanimously.

**VII. UPDATE ON CALIFORNIA PAINTCARE STEWARDSHIP PROGRAM**

Ms. Armine Kesablyan reported there were no new updates on PaintCare at this time.

**VIII. LEGISLATIVE UPDATE**

Mr. Coby Skye presented the [attached Legislative Summary](#) and recommended action on the legislative bills listed below. Mr. Mohsen Nazemi abstained from voting on all legislative actions.

**AB 158 & SB 405** – Staff recommended the Task Force send a letter to support. Ms. Karen Coca made the motion to send the letter seconded by Ms. Betsey Landis. Mr. Mike Mohajer expressed concern about the bill taking control from local jurisdictions and the State charging a fee. After a brief discussion and explanation of the fee designation, the motion passed with two nay votes from Ms. Margaret Clark and Mr. Chris Salomon and abstentions from Ms. Cindy Chen, Mr. Mohajer, and Mr. Mohsen Nazemi.

**AB 323** – Staff recommended the Task Force send a letter to oppose. Mr. Salomon made the motion to send the letter seconded by Ms. Landis. The motion passed with one abstention from Mr. Nazemi.

**AB 403** – Staff recommended the Task Force send a letter to support. Mr. Mohajer made the motion to send the letter seconded by Ms. Coca. The motion passed with abstentions from Ms. Chen, Mr. Salomon and Mr. Nazemi.

**AB 488** – Staff recommended the Task Force send a letter to support. Mr. Mohajer made the motion to send the letter seconded by Ms. Chen. The motion passed with abstentions from Mr. Salomon and Mr. Nazemi.

**AB 513** – Staff recommended the Task Force send a letter to support. Mr. Mohajer made the motion to send the letter seconded by Mr. Carlos Ruiz. The motion passed with one abstention from Mr. Nazemi.

**AB 794** – Staff recommended the Task Force watch this bill. Ms. Landis expressed concern regarding legislation that provides exemptions from CEQA, since it creates a slippery slope and other projects want the same exemption in the future. Mr. Wayde Hunter also expressed concerns about an agency wanting to bypass the CEQA process and suggested the Task Force oppose this bill.

**AB 997** – Staff recommended the Task Force send a letter to support if amended. The Task Force decided to watch.

**SB 254** – Staff recommended the Task Force send a letter to support if amended. The Task Force decided to watch.

**SB 529** – Staff recommended the Task Force send a letter to support if amended to be consistent with AB 158 and SB 405. Ms. Mary Ann Lutz stated this bill should be included with AB 158 and SB 405. Mr. Mohajer seconded the motion to send the letter, and the motion passed with abstentions by Ms. Chen, Mr. Salomon, and Mr. Nazemi.

**SB 700** – Staff recommended the Task Force send a letter to oppose unless amended. Mr. Mary Ann Lutz made a motion to send a letter to oppose without the amendment seconded by Ms. Landis. The motion passed with a nay vote from Mr. Mohajer and one abstention from Mr. Nazemi.

**SB 804** – Staff recommended the Task Force send a letter to support and amend. Mr. Skye explained that this bill is cosponsored by the County of Los Angeles and the California State Associations of Counties (CSAC). Mr. Skye provided an update regarding the bill on behalf of Los Angeles County staff have met with several agencies such as CalRecycle Energy, California Commission, Public Utilities Commission, and the Air Resources Board to discussion the legislation. There are four key provisions of the legislation currently under discussion; (1) Diversion Credit – conversion technologies which use MSW as feedstock would not be eligible for credit. Those facilities will be permitted as disposal. Facilities managing material not part of the waste stream will not be permitted as solid waste disposal facilities and will be outside of the disposal or diversion question; (2) RPS Credit – Staff has supported RPS credit for facilities but there is push back from Kip Lipper who does not support RPS credit for CTs. However, the Energy Commission feels it would be appropriate for renewable eligibility to be based on the composition of feedstock being converted. Staff feels this is a reasonable compromise, and will monitor this issue as the bill moves forward; (3) Permitting – there's consensus that anaerobic digestion (AD) facilities should be considered composting facilities for the purpose of permitting and diversion and RPS credit. CalRecycle already considers AD facilities as equivalent to composting, however State Laws are contradictory on this issue and should be clarified. CT facilities other than AD will be permitted

similarly to the transfer/processing regulations based on the size of the facility and the type of material processed; and (4) Incentives – Kip Lipper offered to support, in lieu of RPS credit, a program to provide a dedicated funding source for conversion facilities incentivizing the most efficient and clean conversion facilities similar to the AB 118 funding program.

As the bill currently reads, it has positive language expressing legislative intent to create a pathway for conversion technologies and directs the Energy Commission to evaluate the benefits for their purpose of developing incentives through the low carbon fuel standard of AB 32. Reprising his role as staff to the Task Force, Mr. Skye recommended the Task Force submit a letter of support while asking the author to ensure the bill is amended to make a clear pathway for conversion technologies and give full diversion and renewable energy credit for conversion technologies, consistent with past Task Force positions. Mr. Mohajer stated the Task Force is being asked to support a spot bill because it is unknown what language will be in the bill. It is a critical issue because for years there's been an attempt to develop conversion technologies for diversion and renewable energy credit but now the diversion and renewable credits are out. Kip Lipper is providing an incentive to build a conversion technology facility based on commodity that will practically be inert material. This all is contradictory to motion the County Board of Supervisors adopted a few months ago. This eliminates the incentives to build a CT facility.

Ms. Lutz made a motion that the Task Force take a watch position until further language is developed, and Ms. Landis seconded. Mr. Mohajer stated it was important not to have a watch position so that it couldn't be said later that the Task Force had an opportunity to discuss and express their concerns with the bill language but didn't take it. Mr. Skye also stated staff would prefer the Task Force take a position or send a comment letter in support of the legislation. Ms. Landis again suggested a watch position or simply stating the Task Force position on CTs. Mr. Ruiz stated the Task Force could send a letter indicating the type of language they would be supportive of. Mr. Mohajer made a motion to send a letter to the County of Los Angeles Board of Supervisors, stating that based on the information provided by staff at the March 21, 2013, Task Force meeting, the Task Force is not in support of the direction the legislation is moving in, and that the proposed language is not consistent with the County's position. Mr. Salomon asked if the bill was supposed to be a multi-step process to get CTs in a position to be voted on. Mr. Skye confirmed and stated they have not yet finalized the language based on all the feedback they've received from Sacramento. The purpose for bringing it up was so the Task Force would be involved in the conversations and the development of the bill language. Mr. Mohajer stated he made the motion because it is as if the County is negotiating with the people in Sacramento based on the information provided and was seeking input from the Task Force. Mr. Ruiz

recommended waiting until language is actually offered because there is a misunderstanding of what the County is trying to achieve and action should be delayed until the bill is amended and actual language is received. After this discussion, Ms. Clark seconded the motion. The motion failed with nays from Ms. Coca, Ms. Landis, Mr. Salomon, and Mr. Ruiz and abstentions from Ms. Chen and Mr. Nazemi. The Task Force then decided to watch the bill. Ms. Clark clarified that the nay votes were against sending the letter and not the Task Forces position on credit for diversion and RPS. Mr. Salomon stated he believed it was premature to send a letter.

Mr. Jim Stewart of BioEnergy Producers Association asked about the current disposition of the gasification definition. Mr. Skye answered that is it not determined yet, but they are looking to leave it as is as an alternate pathway for companies wanting to pursue that definition to receive diversion and RPS credit. Mr. Stewart responded in order to qualify for RPS meeting the scientifically correct definition of gasification would rule out CT's in California. As it stands now, the current inaccurate scientific definition of gasification is going to remain in statue and to qualify for RPS you will have to meet the current definition, which is what killed the Plasico project. They weren't able to meet the PRS credit to obtain the additional revenue to make their economic model function. Right now it's being set up so that CTs will have to meet the same definition of statue before they qualify for additional revenue for RPS. This affects CT companies and will turn them away from the State of California. Mr. Skye replies that as directed by Supervisor Knabe's motion they are pursuing legislation that will create a clear, permanent pathway for CTs to offer incentives based on actual demonstrated environmental benefits of CTs, which are to divert material from landfills and produce renewable energy. How that is accomplished is not in their control, but they are negotiating with agencies that have sway over the legislation and with the Governor who will approve any changes made to the language. One question is if the existing gasification definition will be left as is with additional pathways or will it be eliminated. The potential benefit of keeping the current definition is if we were to negotiate something less than full diversion and RPS credit, which is extremely likely if we are to get anything passed this year, leaving the definition of gasification as is creates another pathway for companies who want to try to meet that definition it leaves other options available. It is not up to us if the definition will be left in statue it can be removed without the Counties approval.

**IX. UPDATE ON WATER BOARDS' PROPOSED STATEWIDE ORDER, AND CALRECYCLE'S DRAFT REGULATORY REVISIONS TO TITLES 14 AND 27, REGARDING COMPOSTING FACILITIES**

Mr. Nik Reppuhn reported CalRecycle's last revision update was February 28, 2013, and included odor concepts and revisions related to composting and in-vessel digestion, and the last workshop was held on Monday, March 18, 2013.

Staff would like to send a comment letter CalRecycle and the Water Board commenting on their new revisions and reemphasizing comments previously made such as instilling a pilot program for the proposed odor concept, prohibiting any outside drainage without a NPDES permit and ensuring clarification of definitions between CalRecycle, the operators, and other regulatory agencies. Ms. Betsey Landis made a motion to send a letter to CalRecycle and the Water Board commenting on the Water Board's proposed statewide requirements, and CalRecycle's Draft Regulatory Revisions to Titles 14 & 27 regarding composting facilities. The motion was seconded by Mr. Mike Mohajer and passed with one abstention from Mohsen Nazemi.

#### **X. UPDATE ON CALRECYCLE'S AB 341 REPORT TO THE LEGISLATURE**

Mr. Mohajer reported he attended a meeting in Sacramento with Scott Smithline of CalRecycle and questioned him about AB 341 and the report to be submitted to the legislature. The report is to address how to achieve 75% diversion through source reduction, recycling, and composting and is due by the end of the calendar year. The Task Force submitted comments in May 2012 on CalRecycle's previous draft report. Scot Smithline stated that CalRecycle's top priority is to take all organics out of landfills and eliminate diversion credit for green material used as ADC. Instead of calling the report 75% recycling or diversion, they will refer to it as "75% diversion through source reduction, recycling, and composting" without verbiage to consider it recycling. Conversion technologies (CT) will not be eligible for diversion credit toward the 75% diversion plan. In regards to the remaining 25%, they want to define "post-recycled residuals" and are working with material recovery facilities in California to identify what's being recovered, which they hope will help them specify numerically what type of material must be recovered by each facility. They will also consider what part of the 25% post-recycled material could be used by conversion technologies. They are developing regulations for composting including anaerobic digestion technology that is consistent with their goal of keeping organics out of landfills. This technology will receive diversion credit and RPS. They recognize the difficulties with siting CT facilities because they are considered disposal facilities. Since they are considered disposal, they must be recognized in the Countywide Siting Element, which has a lengthy approval process. They are considering taking transformation out of the Siting Element and putting it in a new document where the approval will be done by individual jurisdictions instead of the siting element approval process, but it will continue to be disposal. They want to bring in the gasification process back under transformation so diversion credit and RPS will also be eliminated. CalRecycle will conduct a few workshops to promote non-disposal facilities and help assist local governments in financing these facilities. A workshop was already conducted in Sacramento on March 19 addressing "Financing local solid waste recycling activities and programs," and "Siting local recycling infrastructure." Mr. Mohajer asked Mr. Smithline if the public would get an opportunity to review the draft report before it is submitted, and he said "No." Mr. Mohajer made a motion to send a letter to CalRecycle

requesting an opportunity for public to review and comment on their AB 341 draft report prior to finalizing and submitting to the legislature. Ms. Karen Coca seconded the motion, and it passed unanimously.

**XI. CALRECYCLE**

There was no report from CalRecycle.

**XII. PUBLIC COMMENT**

There were no comments from the Public.

**XIII. NEXT MEETING DATE**

The next meeting is scheduled for Thursday, April 18, 2013, in Conference Room B.

Mr. Nazemi stated at the next meeting Mr. Ed Pupka will take his place on behalf of AQMD.

The meeting adjourned at 3:40 p.m.

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